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MODERN PRISON SYSTEMS.

1931

THEIR ORGANIZATION AND REGULATION IN VARIOUS COUNTRIES OF EUROPE AND AMERICA.

BY

CHARLES RICHMOND HENDERSON,
PROFESSOR OF SOCIOLOGY IN THE UNIVERSITY OF CHICAGO

INTERNATIONAL PRISON COMMISSION REPORTS.

SAMUEL J. BARROWS,
Commissioner for the United States.

WASHINGTON:
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LETTER OF SUBMITTAL.

FEBRUARY 5, 1903.

SIR: I have the honor to present herewith a report prepared by Charles Richmond Henderson, Ph. D., D. D., professor of sociology in the University of Chicago, relating to the organization and regulation of modern prison systems of various countries of Europe and America.

The data, industriously gathered and carefully arranged by Dr. Henderson, will be of great practical value for comparative purposes.

I respectfully request that the report may be presented to Congress, to be printed as a document of the International Prison Commission.

I remain, sir, your obedient servant,

S. J. BARROWS,
Commissioner for the United States on the International Prison Commission.

Hon. JOHN HAY,
Secretary of State, Washington, D. C.

LETTER OF TRANSMITTAL.

DEPARTMENT OF STATE,
Washington, February 10, 1903.

SIR: I have the honor to transmit herewith copy of a letter from Mr. S. J. Barrows, commissioner for the United States on the International Prison Commission, forwarding a report prepared by Charles Richmond Henderson, Ph. D., D. D., professor of sociology in the University of Chicago, relating to the organization and regulation of modern prison systems of various countries of Europe and America.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. DAVID B. HENDERSON,
Speaker House of Representatives.

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INTRODUCTION.

1. The purpose and scope of this volume.—The foundation of wise plans for the future is laid, not in speculation and imagination, but in knowledge of the teachings of world-wide experience as formulated by experts. The present work offers: (1) A collection of facts, the actual methods of administering prisons and reformatories in civilized nations; (2) the translation of these documents into English, so as to make them easily available to practical men in America, Great Britain, and wherever our language is understood; (3) to arrange the statements on a uniform plan, so that they may be compared on specific topics; (4) to discover the agreements and the differences in the practice of different countries; and thus (5) to discover some of the causes which produce noteworthy tendencies in administration; and, finally, (6) to call attention to suggestions for improvement in our methods and practice in America. Wise men learn at the cost of experiments made by others; foolish people insist upon learning only from their own experience, with doubtful results.

The text of this volume is composed of authentic facts in a certain wide field of social activity where the battle with antisocial forces is fought. But facts, even when intelligently arranged, are not science. Only when the phenomena are displayed in their uniform sequences, their causal connections and their significance for conduct have we a scientific treatment, a reliable theory. This introductory chapter is an essay toward a comprehension and interpretation of the facts which follow.

Naturally the writer of this book, after the long and tedious labor which was necessary to produce it, has a desire and a hope that it will be useful. A study of the documents should stimulate experiment, clarify judgment, enlarge the number of "working hypotheses." These regulations are not final; they do not in all respects agree; and some of them show the influence of antiquated conceptions of the purpose of prisons. But those persons who advance beyond these methods must first know them and climb to their heights in order to see farther.

2. The countries whose administration is described may be divided into two large groups—those of northern Europe, Canada, and the United States of America (largely "Teutonic"), and those of southern Europe, Belgium, and Mexico (largely "Romance" or "Latin"). It is hoped by the author that a supplementary volume will soon be ready, which will add documents relating to Russia, Spain, Portugal, Greece, Sweden, Japan, etc., but the present collection is fairly complete in itself as a representation of European and American methods.

3. Limitations of the work.—Owing to the fact that space and readers' attention are limited, it has been necessary to omit some documents where there was a great deal of duplication of data used; and it has also been necessary to condense the matter where it could be done without loss of important information. Some repetition was unavoidable.

Nor was it possible to adhere rigidly to the classification of material under the topics; but facts relating to any topic may readily be found by using the index, which is made quite full for this purpose.

PROBLEMS OF GENERAL ORGANIZATION AND ADMINISTRATION.

It is hoped that the collection of documents presented in this volume will throw light on the perplexing questions of administration of State institutions in the United States. In some of our Commonwealths the administrative service has not been clearly distinguished from the other departments of government, and its relations to the chief executive have not been clearly defined. Even in the older States, as in Massachusetts and New York, changes of a revolutionary nature have recently been made and others may be expected. There is no uniformity of method, and the discussions of the subject often reveal mental confusion. In the absence of generally accepted principles and public understanding, the rings of political leaders frequently introduce measures which show all the marks of the "spoils system." While absolute uniformity of devices is not possible nor desirable, there are certain ascertained principles which should bring unity, order, justice, and reason into the development of our administrative systems all over the Union.

What are the fundamental and determining *purposes* of the central administration of the prison system of any State? A clear view of the end will assist us in understanding the means to be employed. The function of the prison system is to execute the penal law, to realize its social ideals. What are the decisive objects of the penal law? They are to protect society, enforce justice, and, so far as possible, to bring the offender himself into habits of conduct which are consonant with good order and security of person and property.

The people of a commonwealth, when they are enlightened on the subject, desire (1) that the administration of their prison system shall be in itself efficient and economical in its working; (2) that it should be so conducted that the industries of free labor shall not be injured, that the public order and good will shall not be disturbed, and that the general progress in intellectual, esthetic, and moral culture shall not be impeded; and (3) that there shall play freely upon the entire administration, in all its ramifications, the light of intelligent discussion, of every science, and of all wise and humane judgments of a civilized community. The people of our States, when their attention is once called to these principles, always approve them, because they are implicit in the aims and spirit of a nation accustomed to self-government and determined that its government shall be the instrument of its will, not a despot over its life.

The documents here offered for study illustrate the methods which advanced and civilized governments, under the influence of modern free thought, have devised to secure efficiency, economy, justice, reasonableness in the system itself, and to keep the system in vital touch with the progressive revelations of science in league with philanthropy and patriotism.

This general problem resolves itself into a number of special problems, which require a brief discussion.

A government deals with offenders by means of legislation, judicial interpretations and applications, and, finally, by its executive and administrative agents. It is with this last factor that this volume deals. The court, on the basis of the penal code, announces a verdict and sentences a convicted person to a prison or reformatory for a more or less definite period. The language of the statute is brief and conveys little knowledge of the real meaning and content of a sentence. The most exact and adequate statement of what a convict actually suffers, while deprived of liberty, is not found in criminal law books, but in those documents which state with great detail exactly what officers and prisoners do from hour to hour and through the dreary years of exile and isolation.

These regulations have been drawn up, in large part, by administrators who have lived face to face with the violators of law and have been compelled to deal with them in every aspect of existence. They have been devised to meet all possible combinations of circumstances and needs; to thwart the cunning of men eager to escape from restraint, and many of them absolutely without scruple as to the means of obtaining liberty; and to bring the officers themselves under the control of an impartial, just, and humane rule of conduct.

Officers of prisons need to be under a code of regulations. They are severely tried and tempted. They deal with men whose conduct is extremely provoking, the worst and most dangerous men in society. They are subtly bribed, coaxed, and fawned upon. Conspiracies and plots are hatched within the institution. Comrades on the outside are ever seeking to secure release of their associates. Contractors, merchants, politicians, attorneys, relatives, merchants are ever ready to tempt the warden and his subordinates to sacrifice public interests to private advantage. In view of this constant stress it must be said that prison discipline is, first of all, discipline of the officers themselves.

This discipline of the administrators can be best enforced in the form not of edicts, but of laws. The arbitrary orders of a superior are uncertain and often unjust. A central board, acting as representatives of the government, can make regulations without passion, and the printing of these laws gives to all persons concerned the protection of publicity.

Tyrants dislike law. Louis XIV said: "The State—it is I." Anglo-Saxon civilization has advanced by protecting the rights, liberty, and security of all its citizens by law; by requiring legislatures, presidents, kings, judges, courts, administrators, to act under impersonal, public law, which excludes all partiality, favoritism, and inequality. The rules for the government of prisoners are the fingers of the heavy hand of the penal code of a state, the finest instruments of its general purpose.

Superior control of state administration.—Logically, the state government which formulates the penal law should see that it is executed. Historically, it could be shown that when the state neglects this duty and does not provide for a centralized agency of administration certain evil consequences inevitably and uniformly result, and that in all countries. In the nature of the case this must be true, and the causes are not difficult to discover. Local officials, left to themselves, without subordination to superior central control, can not act in concert; they are sure to interpret the penal law in as many ways as there are places and managers. The outcome is that equity is mocked; the law is enforced according to the endless variations of ignorance and knowledge, wisdom and folly, cruelty and gentleness which happen to be the qualities of jailors and superintendents. Equity is of the essence of just administration; unequal penalties contradict the very idea of justice. To hand over the administration of a state law to local officers without providing for central control means the abdication of duty on the part of the state government. The evil results were long since recognized in Europe, and corrected in every country by the establishment of a central administrative authority, to which all local officers are made subordinate.

Central imperial authority in Germany makes itself felt by means of the Imperial Penal Code and Code of Procedure, the supreme court, and the Bundesrath. It seems probable that in the near future the "main principles" established by the Bundesrath in 1897 will be expanded and developed into an imperial code of regulations for prisons and reformatories. In the meantime the regulations are drawn up by the central authority in each State of the Empire. This central authority is the minister of justice, or the minister of the interior, or there may be a division of labor and authority between several ministers, as of justice, internal affairs, finance, etc.

In the Kingdom of Saxony, for example, the ministers of the interior and of justice exercise supreme direction of all penal establishments: (1) by regulations and orders; (2) by requirements of periodical reports, according to a uniform system, upon the basis of books and records kept in a certain prescribed form; (3) by visits of inspection through commissioners sent out by the ministry. In Austria the central authority is represented by the superior counsellor of state and the minister of justice. Taking Zurich as an example of Swiss methods, the central board is a commission for supervision composed of seven members, the first being a member of the cantonal council of government and the other six being appointed by this council; the secretary of prison affairs keeping the records of the commission.

In Holland the minister of justice is the final authority, and he acts through an inspector-general and a referendary, with two assistants for inspection, and an administrative commission at each establishment appointed by the King. For counsel in regard to industries there is a commission, composed of persons representing commerce, manufactures, and labor. It is reported from Norway that the centralization of administration in 1875 was followed by marked improvements. The superior official is the minister of justice, whose office has a special bureau of prisons, in which the secretary-general is the active agent. The abuses of local prisons in England, which were exposed by John Howard in the eighteenth century, were not fully corrected until they came under the control of the home office. The secretary of state holds the reins, and prison officers retain office during his pleasure. Very interesting is the visiting committee appointed in London by the quarter sessions each year. It meets at the prison once a month, and some member visits the prison at least once a fortnight. They cooperate with the commissioners in improving the service and have certain administrative powers. The secretary of state appoints a board of visitors for each convict prison, and they are required to visit the prison and cooperate with the governor in promoting efficiency of the service; and, in some instances, they exercise control in regard to classifying prisoners and care of those who are discharged. In Canada the inspector of penitentiaries, subject to the approval of the governor in council, makes rules for the management of penitentiaries. The minister of justice exercises complete administrative power in connection with the selection of officers, with the concurrence of the governor-general in council in case of the higher officers of prisons.

The penitentiary, the prisons of Mexico, and the house of correction are subject to the secretary of the government, although his powers are exercised immediately through the government of the district. Provision is made for regular inspections and for uniform reports. In France the departmental prisons, central houses, and colonies for young offenders are all subject to the authority of the minister of the interior. The courts have power to direct the management of prisoners who are held as suspects or are awaiting trial, but only under regulations which emanate from the central administration. There is a national commission of supervision which gives judgments in respect to improvements, but have no administrative duties. The central house is directly under the care of the prefect of the department, who reports to the minister of the interior.

The administration of Italian prisons depends upon the minister of the interior, who acts through the prefects of the provinces, the courts having a certain control of prisoners within established rules. In all communes where prisons are found there is established a local council of surveillance which has power to recommend transfers of prisoners and to advise with the director. A visiting commission is also constituted, with power to inspect the food, furniture, sanitary conditions, instruction, work, and other aspects of prison life, and to cooperate with the director. This commission is composed of eminent citizens, and the societies of patronage are represented. A corps of inspectors having their offices with the minister of the interior act as his agent in inspecting the prisons and securing information. The director-general of prisons is the actual representative of the central authority at the capital.

All Belgian prisons belong to the general government and administration is centralized under the minister of justice, the agent of his authority being the director-general of prisons. In connection with each prison is an administrative commission appointed by the King, and having duties of inspection, oversight, and cooperation with the director. The lockups are under control of local courts and police. On the value of centralization the official report says:

> The uniformity of administration, which is the principal consequence of the system, assures a plan of repression of the same character throughout the Kingdom. It avoids the inequalities and injustice which arise when prisoners of the same class are under different rules. It permits the most speedy discovery of abuses and their correction. Economically it is most advantageous.

The official personnel of each establishment.—Naturally the number of officers and the division of labor among them must vary with the number of inmates, their age, the structure of the buildings, and the purpose of the discipline. The responsible head of each establishment (warden, governor, director, superintendent, etc.) must have power equal to his responsibility. In order that he may be able to meet the requirements of the central State authority he must have a high degree of control over his subordinates, being restricted only by such regulations as will tend to check arbitrary conduct on his part and give to assistants and prisoners a chance for appeal in serious matters.

The division of labor found desirable in large establishments is made upon the basis of the various requirements of the community: (1) Order and security; (2) household service and industry; (3) spiritual needs; (4) care of health. For each department of life is required men of special qualifications and training and varied ability, and provision must ordinarily be made for substitutes when an officer is compelled to leave his post. Under this general division of labor we find, under various titles: (1) For order and security, deputy wardens, guards in ranks, watchmen, etc.; (2) for household service and industry, bookkeepers, superintendents and foremen in shops, or teachers of trades in juvenile reformatories, and cooks, waiters, etc.; (3) for spiritual needs, teachers, chaplains, and librarians; (4) for care of health, physicians, druggists, nurses. The mention of the positions and functions suggests the necessary qualifications.

Qualifications for appointment.—There is a singular omission in the documents: No where is mention made of "loyalty to party" as a recommendation for office in European prisons. This is not expressly named, even in the rules of prisons in the United States. It should be said to our credit that we are at least ashamed to publish our vices. We are not proud of our faults.

The director or warden.[a]—The qualifications generally required in the better systems may be summed up in a few sentences: The head of a prison or reformatory should have a superior education in general and also have a training through the lower stages of prison management up to the highest position.

At this point is presented a problem of administration of the highest significance, since the efficiency of even a defective system may be great with excellent officers, and inferior officers will make the best method work injury.

In the worst system, known in the United States as the "spoils system," in States where civil-service rules have not yet been introduced, the primary condition of eligibility is service of the party in power. Naturally activity in partisan campaigns is not a direct preparation for the profession of a prison officer, high or low; and yet the results are not always as bad as one might expect. The party leaders are compelled to respect public opinion in selecting persons to fill positions. The newspapers are busy exposing instances of incompetence, neglect, cruelty, or dishonesty, and American customs give the reporter access to every nook and corner. Occasionally a warden or superintendent is retained because of his superior talents, even when parties change places in power. But such mitigating considerations do not justify the system.

Citizens of the United States may consider with profit the conditions of appointment in countries under a more permanent system.

In England military officers are frequently chosen as governors, and it is thought that their previous training fits them for the position of commander of rebellious men.

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[a] See President's address, Proceedings of National Prison Association, 1902, on "The social position of a prison warden," by the author.

The deputy warden should have the superior education required of a warden, because he should be in line of promotion for that position.

The chaplain should have a recognized position in the church to which he belongs, and the State would do well to require of him certain academic degrees which prove that he has at least a moderate professional education.

The physician may be chosen from those who have a degree from an accepted medical school and who have had at least two or three years of practice in a subordinate position. Assistant physicians may act for the prison physician under suitable restrictions.

Subordinate positions—Qualifications.—The regulative principle may be stated in this general form: The candidate must prove, by school certificate or examinations, that he has sufficient general knowledge for the position; he must pass from grade to grade in the direction of the highest post to which he aspires, either in the establishment or elsewhere.

In the Austrian regulations (Marburg prison) the following qualifications are required of guards:

> They must be Austrian citizens, not over 35 years of age, of good health, of unquestioned character; must be able to read and write both the languages of the country, and have certificate of having served their term in the army. Men who can teach trades are preferred. The first examination is provisional. A definite appointment follows only after a year's probation in which the candidate has shown his fitness for the place and passed a second examination by the director, steward, and inspector of guards.

A study of the duties of each office reveals the qualifications which are required in the various departments of administration.

Recruiting the service; modes of appointment.—The problem here is to secure persons who are qualified for the places to which they aspire; to determine who shall appoint and on what terms; and from what qualified classes the selections shall be made.

In Zurich (Switzerland) the subordinate employees, clerks, overseers, cook, etc., as well as teacher and organist, are appointed by the commission of supervision on nomination of the director.

In Holland the chief officers are appointed by the King on the nomination of the minister of justice; the other officers by the minister, upon the suggestions of the administrative commission of the establishment. "Political influences have nothing to do with appointments or promotions." Those who enter the service must begin at the lower posts and advance by promotion. There are no special schools to prepare officers, but the director gives instruction to his subordinates.

In Denmark the King appoints a director and pastor for each penitentiary. The lower officers are nominated by the director-general of prisons. "Political considerations do not influence appointments." Bookkeepers are chosen from among the clerks. Chief guards are chosen from those who fill subordinate positions.

In Norway the director and chaplain are named by the King; the other officers by the minister of justice or by the director.

In Great Britain the triumph of the "merit system" of civil-service rules has long since been assured, and the methods of examination and probation are applied to the prison staff, as well as to all other departments of administration, and this with most happy results. The governors of prisons are chosen from among men who have manifested ability in positions of command, often in the army. The subordinate positions are filled from a list of persons who have given evidence of possessing the necessary education, character, and other elements of fitness.

The good traditions of British administrations have taken root in Canada. The minister of justice selects officers, in conference with the governor-general in council. Physical, educational, and other tests are required.

The Italian regulations give evidence of a careful selection by the ministry of officers for each position on the ground of their fitness for the positions to which they are called, and the inspectors are in a position to inform the minister of errors in appointments.

In Mexico the appointments are made by the central authority on the nomination of the district government.

In France the higher officials are chosen with reference to their special qualifications. There are no special schools for recruiting the administrative corps, but admission to lower positions takes place only after an examination relating both to general instruction, the elements of penal law, and public accounts. The guards are usually persons who have served in the army, and in institutions for juvenile offenders men are preferred who can teach trades. A school has been established for the advanced instruction of guards, clerks of accounts, and guards in chief.

Promotion and degradation.—Under this head must be considered (*a*) the tests of efficiency and marks of defective service; (*b*) fidelity and length of service; (*c*) the lines of promotion in different departments.

It is evident that promotion must generally be restricted to certain spheres. For example, in the department of teaching there may be assistants and principals and the positions in various institutions may be unequal in point of salary or opportunity, but promotion from the position of teacher to that of physician or warden would be practically out of the question. The physical, mental, and educational equipment with which an officer starts will ordinarily determine the possibilities of promotion. Naturally, in America, where careers open in all sorts of unexpected ways and professional standards are not so fixed as in Europe, the chances for the exceptionally gifted man are greater, but, on the other hand, other considerations than fitness and merit more often disturb the hopes of an ambitious and faithful officer.

Tenure of office.—Here we naturally ask for determining considerations in relation to these questions: (*a*) What officers are permanent; (*b*) which may be dismissed, and on what notice; (*c*) causes of suspension or discharge; (*d*) right of hearing and appeal; (*e*) influence of party connections.

In all matters relating to qualifications, appointments, promotion, tenure, and discipline of prison officers, one must study the general system of administrative law of each country, a branch of law more fully developed in Germany and France than with us. The documents here published do not convey much information on these points.

In Lower Austria guards may leave their positions upon giving a notice of fourteen days. The director can discharge a guard, with consent of the State commission, upon fourteen days' notice, without giving reasons. In case of necessity a watchman may be instantly discharged. In Zurich a notice of six weeks must be given. The officers in Norway are never removed as long as they are able to act, unless they are guilty of a misdemeanor.

Discipline of officers and employees.—The documents show the means of holding officers to their duty—instruction, advice, reprimand, fines, suspension, and discharge; in some instances severe penalties are inflicted before discharge is resorted to.

Austria (at Marburg):

> "Guards are subject to disciplinary punishments for violation of rules of service: Oral reproof, written admonition, oral reproof before other guards, deprivation of privilege of going out on free days, incarceration for twenty-four hours, reduction of grade, expulsion from service for serious offenses."

In Switzerland (Zurich) the director may employ as disciplinary measures with employees, reprimand, prohibition to go outside the prison, and fine as high as 10 francs. More severe penalties may be inflicted by the commission.

Mexican orders provide that the secretary of the Government may remove warden and other employees. The warden may discharge the barber and laborers. The governor of a district and the warden may suspend any employee. Records of conduct are kept.

The Government of France encourages fidelity by giving medals to the most meritorious agents of administration, and this badge of honor carries with it the substantial addition of 60 francs a year in pay.

Rules of conduct for officers.—The basis of discipline in the administrative corps is a law of conduct and a distinct and explicit statement of the duties, rights, and authority of each member of the official staff. On this point our documents offer a rich fund of suggestions. Perhaps special attention should be called to the German, English, French, Italian, and Mexican regulations; while those of the Federal prison are also precise and detailed. It has been said that the education of a child begins, first of all, with the self-training of the parents, and it would be also fair to say that the education of prisoners involves the constant and rigid maintenance of discipline of the officers. Those who hold others to rule must themselves be under the reign of law.

In drawing up a code which should at least provisionally cover all probable situations, a comparison of the rules herewith printed will prove helpful in securing a comprehensive range of subjects and an accurate statement of duties. The organizing and analytic genius of the Latin mind seems to be distinctly shown in the Italian articles, and the same qualities are apparent in the Mexican decrees.

Thus we find in the Prussian rules: "Officers may not enter into any business transactions with prisoners nor receive presents from them." In Austria: "Guards must have no financial dealings with prisoners." The same rule obtains in England. The Mexican rule runs thus: "On no account may wardens and other officers use prisoners for personal service, not even if they consent and receive pay for it."

We may illustrate the value of some of the rules by selecting that which occurs in various countries, the prohibition against giving or accepting presents, and the rules which forbid all business transactions between officers and prisoners.

The reasons for such regulative prohibitions are thus described by an experienced warden:[a]

> One of the most serious difficulties in a congregate prison, and one which interferes constantly with the operation of reformatory influences is the tendency among subordinate officers to become familiar with prisoners, and to yield to the superior

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[a] C. C. McClaughry, N. P. A., 1901, p. 179.

cunning and stronger will of some smooth crook, who, with cleverness born of long prison experience, stands ready with numerous little services and attentions to make the officer his debtor. This influence sometimes has its origin in the prisoner's mechanical ingenuity which enables him to make for the officer (openly or surreptitiously) some small article of curiosity or convenience. Sometimes the prisoner's knowledge of the mysteries of English composition is greater than the officer's, and help is given in that line. Sometimes he becomes the officer's banker through the manipulation of his outside friends, and places investments for him or lends him money. In prisons where "tinkering" is allowed the opportunity to earn small sums by the making of trinkets in hours not devoted to the regular task generally favors some hardened and handy rascal whose mechanical skill has been largely developed along criminal lines, while the weary victim of his first serious lapse from lawful citizenship plods heavily through his day's labor, with the discouragement of seeing men confirmed in crime obtaining concessions and advantages which his very ignorance of trickery seems to prevent him from obtaining. When "tinkering" is permitted the temptation of getting something for nothing creep in to corrupt both officers and men. The actual possession of money by prisoners, in however small sums or at whatever time, leads not only to gambling and dishonesty and discord among them, but has the worst influence upon officers and can not be too strongly condemned. Mysterious escapes and jail deliveries generally have their origin in some such beginnings.

It will be noted that Mr. McClaughry here gives reasons for taking away all money, jewels, and other valuables at entrance, and keeping them in the care of the warden until release.

Salaries and wages.—The French regulations give tables of rates of income which seem very low in the United States. But a direct comparison would be very misleading. In a new country the pioneers aim to use up forests and surface soil as rapidly as possible; while in older countries the forests are carefully protected and economically managed and the soil is annually fertilized. So in a new country, like the United States, especially in the West, every man thinks he must get all he can and as quickly as possible out of his office, hoping to turn his booty to account in lucrative investments or private business enterprises. In old countries, as in France or Germany, an office is a field to be cultivated for a lifetime, the basis of family support for an entire generation; and in this view the rent of a house, a garden, care in sickness, and especially a pension for invalidism or old age, are more important than a high salary, if attended with uncertainty.

Sick benefits and retiring pensions.—(*a*) Care in case of accident and sickness; (*b*) age of retirement, optional and obligatory; (*c*) pensions in old age or invalidism; (*d*) rights of widows and orphans. Prison officers are exposed to dangers peculiar to their calling, as in the case of firemen and policemen. It is not only fair but also economical to make provision for their income when they suffer injury and to give indemnity to their families if they are killed. These matters should be fixed by law and contract and not left to caprice and sentiment.

One method of affording relief in sickness is to include the treatment of officers and other employees in the duty of the physician, and to afford the advantages of the pharmacy at reduced rates.

In Zurich all employees have gratuitous medical care, and none can be excused from service on claim of illness without a certificate from the house physician. A fund to aid employees in sickness is built up out of interest on certain investments, fines and contributions by the State, and private persons.

Age of retirement.—The method employed in the United States is beset with difficulties and evils. At times a faithful and honest officer is retained on the staff long after he has grown old and feeble because it is evidently inhuman to send him adrift without income when it is too late to learn a new profession. In other cases men incapable of service are retained simply through "pull" or partisan political influence. In countries where a retiring-pension system has been developed and firmly established this ugly problem is easily solved—the faithful officer may retire voluntarily at a certain age, and he is required to yield place to a strong man at a definite age.

Pensions.—The social occupation of a man must provide for his support. In the case of the normal man with a family the word "support" must include the cost of his upbringing, education, training, decent livelihood, expenses of wife and children during middle life, and maintenance in old age, with provision for widows and orphan children. All these items can be estimated with the scientific accuracy of the probabilities of life insurance for each calling. In a stable society, with systematic arrangements, the contract with public officers tends to cover all these items and give a sense of security to the servant of the community, so that he can give his whole thought and energy to his duty without distraction and without the temptation to trade and gamble outside the institution.

Germany has developed the most scientific system of insurance for accident, sickness, invalidism, and old age, not only for employees of Government, but also for all wage-workers in the Empire.

The Bavarian regulations say, as from the royal authority:

> We propose to permit suitable contributions for support, under provisions of the rules of service, for prison guards who have become incapable of service through age, sickness, and weakness, as well as to their widows and orphans when they have not sufficient property of their own.

In Lower Austria the overseers, as well as their widows and orphans, are entitled to a pension, under rules of the service.

In Holland it is thought that 60 years for guards and 65 years for other officers is the proper age for retiring from service, and the former are required by law to retire at 65 and the latter at 70 years at the latest. All officers have a pension when they retire on account of infirmity or age. The rate is two-thirds of salary for those who have been injured in the service, and for others it is reckoned on the basis of the number of years served. Ordinarily one must serve ten years before he gains a right to a pension.

In Norway all officers except the director, chaplain, physician, etc., are required to make payments to a pension fund founded by the State. The legislature votes a supplement. In case of directors and chaplains the pensions are voted entirely by the legislature.

The Canadian regulations seem to go no further than the principle of gift:

> In the retirement of an officer or employee from the service the minister may authorize the payment of a gratuity within the limits provided by the penitentiary act.

This is the embryonic stage of development of a thoroughly modern system.

Widows and orphans of officers who have died in service are left to chance in the United States. In some countries a regular method of caring for them has been embodied in law.

Conferences of officers.—(*a*) Who are members; (*b*) rights and powers, subjects discussed, counsels, and decisions.—The essential principles which lie at the base of the institution conference are vital. While responsibility for executive action must ultimately rest with the warden, governor, or director, that action can never be most wise which ignores the counsel and information which subordinate officers can give. One who possesses power needs to protect himself against the temptations of his singular and commanding position. As a miser becomes infatuated with his hoards, so an arbitrary ruler may be blinded to the limitations of his knowledge and wisdom. He who is constantly obeyed without question may easily fall into the delusion that he is infallible. Secrecy and darkness put moral character to undue strain, and the strongest character has its limits of endurance of tension. The teachers, chaplains, physicians, deputies gain knowledge of prisoners which the chief administrator needs before his decision can rest on all the facts of a situation. By comparison of views and reasons in a general conference the "personal equation" is corrected and the sanest conclusion is reached. For such reasons the conference of officers, in some form, has become quite common. Some examples may be cited by way of illustration.

Each Bavarian judicial prison has a prison commission, consisting of the director, as president, the physician, a representative of the state's attorney, etc. This commission decides questions relating to security, labor, health, food, and labor rewards. It meets once in each quarter.

In Saxony there is a council made up of all superior officers of an establishment. Meetings are held once a month and on the special call of the director. The advice of the council may be set aside by the director. There are some matters on which the director is not permitted to act until he has heard the council, as in relation to the prolongation of cellular confinement beyond three years, conditional release, certificates of confidence, etc.

In Marburg prison (Austria) a conference of officers is held each week. The members do not vote, but if the majority differs from the director he must record his reasons for his decision. In Zurich the conference is composed of the director, administrator, chaplain, and physician; meets at least once in two months; considers important events in the institution and controls the marks of prisoners and aid to be given them. In Norway the higher officers meet once a week to deliberate upon matters which affect the conduct and industries of convicts.

In Italy a "council of surveillance," mentioned already, in which the director acts as secretary, performs some of the functions of a conference. In almost all countries the director must heed the advice of the physician in relation to the effects of diet and punishment on the health of convicts.

Schools for training prison officers.—Schools for technical education of prison officers have not yet become common, although beginnings have been made in several countries.

While there are no special schools for prison officers in France, there is a systematic effort to educate guards who enter the service from the ordinary schools and are ambitious to secure promotion.

> Elementary schools exist in all the large establishments. The organization of these schools has been completed by the creation at Paris of a superior school, to which are called the better pupils of the elementary schools. The instructors of this superior school are chosen among the general inspectors, the chiefs of the bureau of

the minister of the interior, the directors of penitentiaries, and certain of their assistants. A physician gives instruction in hygiene. The pupils receive detailed instruction in anthropometry.

Japan has taken advanced ground in the education of its prison officers. The first steps were taken in 1890, and a new school was opened in 1899 in the city of Tokyo. The students are divided into divisions A and B. Those in Division A are selected from officers now in service, clerks and wardens, and their term of study is six months. Division B is made up of students selected from candidates who have qualifications for ordinary civil affairs. Their term of study is one year. The programme in both divisions is penology, prison hygiene, criminal psychology, statistics, anthropometry, the maintenance of ex-convicts, methods of reformation, the Penal Code, Code of Criminal Procedure, soldierly exercise, practical drill in prison management, an outline of constitutional law, the Civil Code, and administrative laws.[a]

Inspection, supervision, and visitation.—Under this topic illustrations may be given of the different devices adopted for the action of public opinion, for the information of the community, and for the play of humanity and science on the routine and secrecy which always attend prison life. Of these agencies there are several types—official, semiofficial and general: as (*a*) agents and messengers of the central state board or ministry, acting as its representatives; (*b*) visiting committees (as in England), appointed by the central authority and having certain defined powers; (*c*) voluntary societies, prison associations (as in New York), societies of patronage for the aid of prisoners and their families.

Nowhere in the civilized world is admission to prisons so open and unconstrained as in most places in the United States. The reporters for the daily press are permitted to range at their will. On Sundays crowds of curious excursionists make a visit to a penitentiary a part of their holiday. Not seldom do visitors give serious offence to the convicts and disturb order and reformatory measures. Every American citizen seems to think he has a right to go where he pleases in a public institution. Against these abuses there is a natural and proper reaction. The public has a right to know what is going on in prisons, but individual citizens have no right to interfere with the retributive and reformatory measures of penal establishments. On this question it is worth while to study the regulations of European countries.

England provides boards of visitors and gives them considerable influence in administration; but private persons are not admitted without certificates from the Home Secretary, and such certificates can not be obtained by persons who have no special qualifications for making good use of the opportunity. In Italy only persons of scientific attainments are given permission to visit prisons, and their studies are promoted by the administration.

The rule in Saxony is:

> Visits to the institution by strangers may be made only when they give proof of a special scientific or official intention. Every visit is to be recorded.

In France one must secure a pass from the central authorities. Once approved by the highest officials, he is treated by the prison directors with a fine courtesy which is unsurpassed. In Germany the visitor must furnish proof that he is competent and worthy of confidence, and then he is shown such intelligent attention and consideration as only trained administrators know how to give.

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[a] See Penal Codes of France, Germany, Belgium, and Japan, by S. J. Barrows. House Document No. 489, Fifty-sixth Congress, second session, 1901.

In all these European countries the central administration takes pains to have agents and inspectors ever at its service, and does not depend entirely on reports of the wardens.

The societies for aiding prisoners (societies of patronage) are officially recognized, and the activities of their members are carefully regulated by the central administration. These societies of patronage have exercised a very important social function by serving as a medium between the institutions and the philanthropic public. Thus the English societies, the French General Society of Prisons and its branches, the Rhenish-Westphalian Prison Society, and others have been among the most important agencies for promoting prison reforms during the past century.

INNER LIFE OF PRISONS.

Reception of prisoners.—The regulations cover the following points: (*a*) Legal form, court record and certificate, identification of prisoner, taking care of property of prisoner; (*b*) examination by warden, physician, chaplain, teacher; (*c*) measurement (Bertillon) and photograph; (*d*) sanitary precautions, temporary isolation, cleansing, shaving, etc.; (*e*) provisional classification at entrance; (*f*) information and counsels given to the prisoner.

The authorities of a prison have to assure themselves that the prisoner who is delivered to them for a painful punishment is actually the person sent from a court for the execution of its sentence. The warrant for punishment must come with the messenger of the court, and the prisoner must answer to the description; and every precaution must be taken to avoid injustice to an innocent person.

If the prisoner brings property or valuables with him a record must be made, so that at discharge they may be restored to him.

The examination of the prisoner at entrance is the condition of wise treatment. The examination made by the physician is so obviously necessary that it is not questioned. The inquiries of teachers, chaplains, and wardens do not seem to be less truly a diagnosis, which must precede rational, moral treatment. The examination of the person and clothing of women must be made by women, according to the best rules, as in the German States.

The use of the Bertillon system of measurement and record, chiefly for purposes of identification, is becoming general, and is beyond doubt the most accurate and reliable method known. The Mexican regulations are very explicit in this matter. Naturally France, the country of its origin, employs the system of Bertillon.

Among sanitary precautions mentioned are: Rejection or isolation of persons suffering from contagious diseases; temporary isolation of suspected cases; change and disinfection of clothing; bathing and shaving, and vaccination.

The practice in respect to the provisional classification of prisoners is by no means uniform, and the regulative principle which should govern the matter does not seem clearly settled. In Austria (Korneuburg) all prisoners enter the third (lowest) class and work their way to the first class. In Wurttemberg a prisoner enters the second or third class, according to his crime and previous character. Those who are thought to be first offenders go into the second class. In Saxony there are three classes, and those prisoners are placed in the third class who are recidivists, dangerous, or insolent; all others go into the second class. In Switzerland (Zurich) each prisoner begins at the bottom. In Holland the congregate prisoners are classified, and the previous record is considered in the provisional classification. In the case of cellular prisons classification has minor significance.

In the central houses of Norway there are five classes. All enter the lowest class, but recidivists must remain longer than others in the lower ranks. In dormitories and shops the better men are separated from the worse men, so far as possible.

The English local and convict prisons are under a system of detailed rules for classification, intended to separate those whose influence is bad from young offenders, and to encourage good conduct. Under the Canadian regulations convicts of previous clean record wear a metal star during good behavior.

Mr. C. C. McClaughry (National Prison Association Proceedings, 1901, p. 181 ff.) thought that recidivists should be placed in the lowest grade and new offenders in a higher grade. This measure he urges on the ground of equity. It is not just that a comparatively honest young man should be compelled to be dressed and treated worse than a hardened habitual criminal. It should be made possible for him to say, "I have not yet worn the stripes."

The provisional classification gives attention to separation according to sex, youths and adults, persons on trial, witnesses detained by courts, accomplices in crime, first offenders, and habituals. Illustrations of those principles are found in the rules of Prussia and Bavaria.

During the early days of imprisonment the convict is usually ready to hear good counsels from the officers. Many wardens and superintendents have acted on the belief that these early hours offer an opportunity which should not be neglected.

Thus Mr. R. W. McClaughry (N. P. A., 1901, p. 184) says:

> The warden should see him, talk with him, and explain to him the nature of the service upon which he has entered. The amount of ignorance prevailing among first offenders with respect to prisons is known to all of us. While it is an excellent thing to have the chaplain talk with the man, the chaplain will have a great deal easier task if the warden first talks with the prisoner. The deputy warden is supposed to be the representative of the law. His business is to apply the rules and to exercise ceaseless vigilance; to explain to the offender what the rules are and what the penalty is if they are disobeyed; but no man so well as the warden or superintendent can start the prisoner on the right path at first. It is a difficult thing to do, but it is one of the most important matters connected with the administration of prison discipline, and renders it a far easier task for everyone if the warden will have the first interview and explain to him patiently and carefully the relations that are assumed. He will find much less trouble afterwards.

Rules of conduct.—Duties, and forbidden acts in respect to (*a*) treatment of persons, (*b*) conduct in relation to property, (*c*) order of the community. Methods of communicating these rules to prisoners by posting rules in halls, cells, shops; by conversation at entrance; by instruction in school and chapel.

In the documents of prisons and reformatories we find two general methods of dealing with this subject: (1) Some institutions print very few rules or none at all for the instruction of the convicts; (2) other institutions have developed a code of such rules with more or less elaboration.

It is impossible to discover all the reasons for the omission or the printing of these institutional codes of conduct. A discussion of officers, as wardens and directors or commissioners, would bring out the underlying theories and causes of these codes. We may venture to suggest some of the probable arguments on both sides, and in this form prepare the way for a discussion of the subject itself.

First. Something like this might be said for the *omission* of all rules: (1) It is impossible to make rules covering all possible situations in the complicated life of a penal institution; (2) if we attempt to specify a part of the offenses which experience leads us to expect, the offending prisoner may plead that his particular act is not mentioned in the list of forbidden acts, and therefore he is guiltless; (3) this method, some think, of governing by minute rules does not develop the moral nature of the inmate, does not compel him to judge for himself and thus sharpen and keep alive his own conscience; (4) living by a system of printed rules, some think, does not fit men for life in outside society, the chief object of prison and reformatory discipline, for in free society men do not find such rules tacked to the walls and must use their own common sense every hour in the day.

Second. Something like this might be said in favor of drawing up and printing rules of conduct and lists of offenses:

(1) The officers of the institution, knowing definitely what is required, are more likely to be impartial and equal in their treatment of the men. If a convict discovers that he is punished first and instructed afterwards, and suffers for an act which no one had warned him against, he is likely to feel resentful against treatment which seems to him arbitrary. The temptation of a warden to be arbitrary is greater when an order may be given in one form one day and in another the next. One must have an extraordinary memory to remember all the orders he has issued, each of which becomes a precedent.

(2) The inmates of prisons and reformatories, in great part, are persons whose moral nature is either undeveloped or perverted by vicious associations, influences, and habits. They have been in the habit of calling black white. They have, if habitual criminals or brought up in criminal company, become accustomed to hear the praises of violence, rebellion, disorder, vice, theft, deceit, lying. These are the ordinary implements of the habitual criminal. What a criminal has won has come by means of theft, deceit, trickery, lying, and violence. Whatever success or pleasure he has gained for himself he has secured by these means. He is inclined to be proud of them and boast of them, just as an honest mechanic praises his lathe or his engine.

Therefore the undeveloped and ignorant boy or man must be trained to think of rules of upright conduct; and these rules must be stated clearly and thrust before his eyes so that they will burn into his memory. The very simplest principles of moral conduct need to be made intelligible to his darkened and besotted intellect.

If, on the other hand, he has intelligence and deep-seated criminal habits the current of his ideas and the direction of his conduct must be changed. The best way to change conduct is to lay down the routes for it and induce a man to travel in them until he becomes accustomed to them. As Mr. Brockway said, in expounding his philosophy of discipline, we need to "hold the perverted man in a strait-jacket of good habits until he fits himself to them." A man must think his actions before he can perform them. He must know what to do and what to omit. Rules of conduct and lists of offenses are plain, direct, and exact statements of duties and wrongs. Obedience to these regulations comes to be associated with pleasant feelings, as earlier liberty, better food, higher honors, more respectable clothing. Experience shows that, in a large number of cases, habits thus set up by a degree of drill, and compulsion even, are more easily kept up in the outside world after discharge.

Thus a man compelled to take exercise and regular baths discovers the physical comforts and satisfaction which follow them, and afterwards continues voluntarily to exercise his muscles and cleanse his skin, and one who is compelled to salute officers and address them politely may be transformed from a ruffian into a gentleman. External actions have some tendency to react upon the feelings and character.

(3) The prison takes lawless men and seeks to make them law-abiding citizens. In free society the entire life is under laws. The shop has its rules; the school has a fixed order; the family is under discipline; social intercourse has a strict etiquette; the church has its discipline; the state has its regulations, which fill volumes of national, commonwealth, and municipal codes and ordinances. Society can not exist and advance without establishing rules of conduct. Now, a lawless convict or boy in a reformatory must learn to adjust himself to this system of law-abiding conduct. If he can not do it he will remain either a public enemy in arms against all or a weak pauper or feeble-minded patient for an asylum.

The penal institution is itself a community—a miniature society.

The laws of social conduct in the "free" world may be classified according to the sphere which they direct and regulate. While no classification is entirely satisfactory, we may say that law regulates men: (1) In their personal relations; (2) in their relations to property, to valuable material objects, and (3) in their relations to social order, the method of activity.

Having studied line by line many hundreds of prison rules, we find they may all be classified under these three heads, and we believe it will be instructive and suggestive to think of them in the light of these three principles or ends. Since we can not in a paper repeat all these rules, we must rest satisfied with illustrations under each head.

(1) The rules for directing inmates in relation to persons may be divided into subclasses: (*a*) Treatment of officers as superiors in social order and as representatives of social authority; (*b*) treatment of fellow-prisoners as companions and coworkers; (*c*) treatment of visitors, relatives, acquaintances, and others in the outside world; (*d*) treatment of self, personal habits, body, etc.

(2) The rules for directing inmates in relation to property and valuable material objects may be divided into subclasses, as (*a*) treatment of the property of the convict himself; (*b*) treatment of the property in the cell and hall; (*c*) treatment of property in the shop, tools, materials, products; (*d*) treatment of property of fellow-inmates.

(3) Rules in relation to social order: (*a*) Conduct in the cell and cell halls; (*b*) conduct in the dining room; (*c*) conduct in movement from place to place; (*d*) conduct in the work place; (*e*) conduct in recreation and play; (*f*) conduct in worship; (*g*) conduct in study and instruction; (*h*) conduct in communication with the outside world; (*i*) conduct on parole, or conditional release, etc.

Turning now to the rules of conduct actually found in prisons, we find them full of suggestions, but provoking discussion and criticism. Valuable as the more elaborate codes are, they are not perfect, and their authors would not claim that they do not need improvement. Evidently most of them have been drawn up with the direct purpose of regulating the order of the prison itself, and yet the larger and remote object of training for free citizenship upon release is not entirely forgotten. Thus in the rules governing inmates of the Kansas State Industrial Reformatory the boy is reminded: "Gentlemanly deportment toward all into whose presence you come is required of you. Strive to be gentlemanly at all times; it will help you here and after you are released."

We raise the question for discussion and deeper consideration whether the ultimate purpose of the rules might not, with advantage both to officers and men, be more fully and frequently explained in documents like these before us. The rules themselves, as specific orders, must be very brief and free from moral exhortation; but the underlying purpose might appear more explicitly in preambles and counsels or explanations.

The desirability of explaining prison rules to youthful offenders is thus argued by Mr. C. C. McClaughry (National Prison Association, 1901, p. 181):

> With equal conditions of mind and body it should be expected that the "old timer" should more easily and willingly comply with regulations which former training has convinced him are customary and necessary, while the man to whom the harness of prison rules is new can reasonably be expected to chafe and fret under it, to give way to impulse, and to blunder into wrong. No punishment should be administered without the analogy between submission to prison law and the laws of civil government being clearly drawn and made apparent to the culprit. Men should be taught to think of their relations to society and to see the hopelessness of rebellion against laws, human or divine.

Methods and means of discipline.—(*a*) Rewards, or appeals to hope; (*b*) disciplinary penalties, or appeals to fear. Execution of death penalty in prisons.[a] "Discipline" in its essence is what the etymology of the word suggests—a schooling, a process of education. It is unfortunate that the word is only too commonly made to signify those coarse though necessary appeals to physical fear which all competent wardens reserve for the last resort when all milder means fail. The only rational way to regard "discipline" is to think of it as the entire life of the institution, to which all measures contribute. The deprivation of liberty, the examination and admonition at entrance, the rules of conduct which cover the actions of every waking hour and prescribe the moments of retiring and rising, the gradation according to character and disposition, the industries, the badges of distinction, the diet, the instruction and moral influences, the medical counsels of the physician, the personal contact with guards and foremen—all are means of discipline.

Of all the more direct means of discipline we may select here the two classes, rewards and disciplinary punishments, for particular mention and illustration. Throughout the civilized world one can observe a very marked tendency to substitute rewards for penalties so far as possible; to mitigate the cruelty of punishments, and to approach the most severe forms only by gradual descent, except in case of violent assaults, mutinies, and riot.

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[a] The author has already published, in the Proceedings of the National Prison Association for 1902, a discussion of the subject of discipline, with special reference to methods in the United States. The materials are reproduced in this volume, and an interpretation of the facts is given in connection with summaries of the American documents.

In Germany there is an imperial regulation of disciplinary penalties, made by the Bundesrath, and all the States conform to these restrictions and may not go beyond: (1) Deprivation of privileges; (2) deprivation of books and papers; (3) deprivation of work in case of solitary confinement; (4) deprivation of outdoor exercise, but not longer than one week at a time; (5) deprivation of the bed, but not beyond one week at a time; (6) chaining, but not more than four weeks at a time, and not with convicts under 18 years of age; (7) punishment cell, not more than six weeks at a time, and reduction of diet may be added. The dark cell can not be used for prisoners under 18 years of age. Corporal punishment is not allowed except in case of juveniles under 14 years of age, and then only as it is administered in the public schools. Within the limits of these rules there is still room for the ingenuity of individual directors in the several States.

Thus we find in some regulations the addition of admonition and reprimand, either in private or in presence of prisoners.

The Austrian list does not differ perceptibly from the German. The means of discipline in reform schools are adapted to the conditions of youthful character. The regulations of Zurich (Switzerland) cover the same ground, and the same may be said of Holland. In Denmark we find mention made of twenty-seven strokes with a cat-o'-nine-tails or strap for males over 18 years. In Norway the punishments are graded, and the director can (*a*) withdraw for ten days the permission to receive visitors; (*b*) forbid work and reading for the same period; (*c*) reduce to lower class; (*d*) deprive of a share in general fund. If the prisoner is above 18 years, he may also (*e*) be placed on bread and water diet, or (*f*) be placed in a dark cell for not more than five days. If the prisoner is under 18 years, the director may (*g*) place him for two days on half rations; (*h*) inflict corporal punishment, not to exceed eighteen stripes with rod. Women prisoners may not be subjected to whipping, and the period of cellular punishment is shorter. When whipping is administered it must be in presence of the director or inspector, the physician and two other officers, and a record must be made.

In English local prisons the permissable disciplinary measures are: (*a*) Close confinement not exceeding three days; (*b*) reduction of class; (*c*) deprivation of mattress; (*d*) forfeiture of remission of sentence. These may be inflicted by the governor. The visiting committee may order more severe penalties, on motion of the governor. Corporal punishment can not be inflicted without order from the secretary of state, thirty-six lashes for an adult, eighteen for prisoners under 18 years of age.

The Canadian regulations mention forfeiture of good time; the forfeiture under thirty days may be declared by the warden, over thirty days it must be decided by the minister. The following punishments may be inflicted upon male convicts: (*a*) Diet of bread and water not exceeding twenty-one consecutive meals; (*b*) hard bed; (*c*) ball and chain or Oregon boot; (*d*) isolation cell, with such diet as the physician shall pronounce sufficient; (*e*) flogging with a leather paddle; (*f*) shackled to the cell gate during working hours; (*g*) the application of water from the hose in the presence of the warden; (*h*) forfeiture of remission of sentence. In the case of female convicts flogging and the "water cure" are omitted.

The experiments with disciplinary punishments in the United States are kaleidoscopic in variety. Among the products of experience, ingenuity, and imagination may be noted: Refusal of a meal to a convict who has not washed his face in time for breakfast; bread and water diet, seasoned with solitude, for rumination; deprivation of light in the evening and privileges of library, writing letters, receiving visits; reduction in grade; handcuffing prisoners to grate of cell; loss of good time; dark cell, with hard board for bed; close clipping of hair, in connection with other punishments; paddling; the iron mask or gag.

Mexican prison authorities are permitted to use for correctional discipline: (1) Deprivation of reading and writing; (2) deprivation of food; (3) increase of the hours of labor; (4) outside labor; (5) isolation with labor; (6) isolation with outside labor; (7) isolation with deprivation of labor. In the central houses of France the penalties used are: Reprimand, deprivation of reading and correspondence, of visits, of supplementary food, marching in a hall of discipline, isolation not exceeding ninety days.

Nowhere is there such a fine gradation of penalties, with so earnest an attempt to fit the punishment to the offense with mathematical accuracy as in Italy. The punishments themselves are not different from those in vogue elsewhere. Admonition, isolation cell, reduced diet, demerits, strait-jacket, irons, loss of privileges and of good time. But the length and severity of punishments, the various combinations of two or more punishments, and the adaptation of each set to the supposed guilt of the action reveal a clear purpose to measure the quantity of iniquity in each several form of offensive conduct. It is the retributive idea of penal law carried down into the everyday details of discipline, with a severity of logic which is consistent with the premises of the law itself. But it would be unfair to say that regard for the character of the convict is lost out of sight in this effort to keep in view the differences of external actions.

Belgium confines disciplinary punishments to deprivation of work, reading, canteen, visits, correspondence, reduction of diet, dungeon, or dark cell.

In the use of severe punishments as fasting and dark cell for long periods, it is usual to require the approval of the house physician. The general principle is that deprivation of liberty is not meant to involve capital punishment by indirection, and, therefore, the health of the prisoner must not be impaired. Violent conduct and dangerous assaults of course involve action based on another law.

Industry.—(*a*) The system of disposing of the product and service, State account, contract, household service; (*b*) how far labor is compulsory or voluntary; (*c*) supervision of process and assignment of tasks; (*d*) kinds of labor and occupations; (*e*) duration of labor (hours); (*f*) rewards, as incentives of hope; (*g*) management of property or funds of prisoners. Among all the agencies for affecting the habits and character of the prisoners useful industry is universally regarded as holding the central position. Useful industry is essential to physical health, to mental sanity, to morality, and to economic efficiency in a world where pauperism, theft, and honest labor are the only three paths open to man or woman. The administration of a prison is compelled to consider two aspects of productive industry—its influence on the prisoner and the effects of marketing the products on free labor and invested capital.

This is not the place for an adequate discussion of the problem of prison labor,[a] but we may select a few illustrations of methods of diminishing the pressure of prison industry upon capital and labor. All methods of conducting the manufacture of goods and the disposal of products and services are variations of two principal types—State account and contract.

The principles established by the German Imperial Bundesrath require that the least possible harm shall be done to outside labor and industry, and therefore convict labor must not be leased to private employers; the products of convict labor must first of all be used by the institutions of the State until their demands are all met; as many trades as possible shall be represented, so that no one shall be specially burdened, and the underselling of free labor must be avoided by all means.

As to the method of business direction of prison labor in Holland, the report says:

> The system proposed is State account. This system avoids conflict of the interests of the contractors with those of prison discipline; it removes external factors from discipline; it makes a rational penological plan of stimulating the prisoners to think of labor as their advantage and duty, and it increases the chances of imparting professional instruction. It also reduces the injury to free labor * * * for it does not throw its products on the general market and lower the prices of articles nor the wages of workmen.

Norway follows the same principle, but has salesrooms in cities, with no labor outside prison walls, and with a great variety of industries.

France seems to be passing from the contract to the state account system. In departmental prisons the contract system prevails; in central houses the system of State account has been substituted. The national legislature has pronounced views on competition of prison labor with free industry. The prison administration is in relations of counsel with the chamber of commerce, which is sensitive to anything which touches industry.

In Belgium the new regulations introduced the State account system for the most part, but in case of necessity the service of prisoners may be let to contractors under regulations made by the administration. The rates for piece or day work are fixed by deducting from the average market rates the amount by which the skill of the average prisoner is inferior to that of free laborers.

Household service is necessary in every community, and it requires a considerable amount of labor. Food must be prepared for consumption, and this involves all the activities connected with storehouses, kitchen, dining hall, or delivery of food in cells, cleansing of dishes and utensils. Clothing must be made, kept clean and in repair. The cells, halls, shops, grounds must be carefully cleaned and kept in order. A certain number of prisoners must be detailed all the time for household service, and each prisoner must do his own share.

So far as the prisoners themselves are concerned, the chief purposes of prison labor are the conservation of health, the formation of habits of industry, the technical preparation for earning a living when the hour of freedom arrives, and the maintenance of self-respect, which results from paying the State for what the prisoner consumes.

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[a] In my Dependents, Defectives, and Delinquents D. C. Heath & Co. (ed. 1901), the main points are discussed and a bibliography is given in the appendix.—C. R. H.

All competent authorities agree that labor, to be rational and reformatory as well as economical, must be useful; must be directed to the satisfaction of some reasonable human want. All such occupations as picking oakum, treadmill, turning a handle, etc., are not only wasteful of energy, but tend to drive an intelligent being to madness.

The rule for English local prisons shows an improvement on their former customs, when idleness or useless labor were common. Now a prisoner must work not more than ten nor less than six hours, and labor must be productive and must fit the prisoner to earn his livelihood on release.

Motives to labor.—Normally and ordinarily men will work up to a certain point from sheer need for activity and exercise, and therefore deprivation of occupation is often mentioned in our regulations as a disciplinary punishment. Refusal to work, however, occasionally arises as a form of mutiny, of rebellion against the government of the establishment, and in this situation a painful disciplinary punishment may be required to bring the man to accept the order of the house as the rule of his own conduct. Still better is it so to arrange the system of life that it shall resemble the normal conditions of free society, where the law is: "If a man will not work, neither shall he eat." The necessities and comforts of existence are usually gained by steady, persistent labor. Many criminals are like children and savages in this respect, they can play at work or they may even work intensely, under excitement, for short periods, but they dislike constant and regular toil. To build up a habit of constant and regular industry and make it a second nature is one of the most difficult and important functions of a prison. Some tangible and not too remote reward for such labor helps to sustain the flagging industrial virtue, and this reward may take the form of some immediate enjoyment, as extra food, dainties, etc., and also a savings fund from which the prisoner may assist his family or make his way with better advantage after his discharge from custody.

In the German Empire the penal code and the main principles laid down by the Bundesrath give a general framework for the various regulations of the several States. All prisoners must work. Exceptionally those who have no criminal record may be allowed to work on their own account. In assigning the kind of labor regard must be had for the health, the abilities, the aptitudes, and the probable future career of the convict. The income of labor all belongs to the State; but as an incentive and encouragement 5 to 7 cents a day may be credited to the prisoner. The labor of juvenile prisoners must be educational in character. If prisoners are employed outside of prisons, on public works, in agriculture, etc., they may not be permitted to come into contact with free laborers. The orders of Saxony illustrate one of the ways in which these general principles are applied to local conditions. The Austrian rules are in general similar.

In view of the fact that labor outside of prisons is common in our Southern States, the regulations of outside labor in Germany and Austria become interesting and instructive for us. In both countries this mode of employment is carefully restricted. Thus an Austrian order is that convicts may be employed on public works, road making, farming, etc., only if they are trustworthy and not liable to become mutinous and run away. The Italian authorities expressly declare their purpose to keep the rural prisoners in rural industries, so as to diminish their temptation to crowd into towns and become more demoralized.

The Swiss articles (Zurich) say that each convict who works with industry and good behavior may be credited a wage share which varies from 5 to 12 per cent of the earnings, and he also may have interest on his fund. The director may permit a prisoner to send money to his family or buy books, clothing, tools, etc., out of his fund. In Holland the normal rate of wages credited is about 6 cents per day. In Norway the rate is from 1.2 cents to 5 or 6 cents a day.

The Mexican regulations require prisoners to work; for refusal a convict is placed in a cell and asked once a day if he is willing to labor. Prisoners confined on short sentences for minor offenses may select the form of labor they prefer. They may spend a part of what they earn and may send some of it to their families. In France labor is optional for persons on trial and for those who are confined for police discipline. All convicts (with curious exceptions in case of violations of press laws) must work.

France bestows great care upon the technical training of prisoners in order to fit them for honest living. They have skillful teachers and are encouraged to work steadily by having set to their credit a small gratuity, graded according to their conduct. The documents printed in this volume offer ample illustrations of these points.

The Italian rules exhibit some distinctive features. Persons convicted of crime are required to labor, as in other countries, and this requirement may be extended to persons awaiting trial unless they provide for their own expenses of maintenance, and they may be permitted to work on their own account. Domestic service is regarded with preference. Rewards are not given during the period of apprenticeship, which is brief. Of the product of labor a person under simple "arrest" gets six-tenths, one in "detention" five-tenths, one in "seclusion" four-tenths, while one condemned to hard labor receives only three-tenths. The remainder goes to the State. Belgium requires all convicts to labor, but those confined for minor offenses are not compelled to labor.

Health.—Here we include all that relates to care of the body: (*a*) Action at entrance; (*b*) food and drink; (*c*) clothing and laundry; (*d*) bathing; (*e*) open-air exercise; (*f*) sleep and rest; (*g*) recreations, holidays; (*h*) care of sick, hospital, medical service, nursing, medicines; (*i*) care of insane; (*j*) time of sickness in relation to period of punishment; (*k*) burial or disposal of corpse, autopsies; (*l*) records of physicians and reports; (*m*) care and disposal of property of deceased; (*n*) sanitation of buildings and cells, ventilation, light, heat, sewage, and water supply.

The guiding purpose in a large number of our regulations is the conservation and improvement of the bodily health and vigor of the prisoner. Even according the idea of retributive justice which still dominates the penal code and its administration, the penalty of imprisonment is not intended to include capital punishment. There have been many establishments of punishment in the United States where a term of ten years was, on the average, a sentence to death, as statistics proved. But this is barbarism and revenge, not retribution. If we adopt the purpose which is coming to be decisive—that is, the protection of society through the rehabilitation of the prisoners—the physical care becomes a matter of fundamental interest, and this from several considerations. Physiological psychology has demonstrated the causal connection between the will and normal conditions of the body; a man can not make a choice or decision and persist in a purpose without having a stored supply of physical energy. Perhaps the most distinctive trait in a body of criminals is not violence nor cunning, but simply feebleness and low vitality. Hereditary weakness, acquired diseases, and the effects of dissipation unnerve young men and rob them of power to resolve and to persist in a course of action. They drift in the direction of least resistance, and find a prison a shelter for their incompetence. Therefore the intelligent warden or superintendent aims first of all to brace a man for the struggle of life by improving his physical health. Looking forward to the hour of release at the end of the term, the prisoner must be fitted for competition with strong men. If he goes forth anæmic, with flaccid muscles, with unfed brain, he is knocked down in the first onset of the hard conditions of the industrial world. Men who are well housed and fed desire to be active, and exercise becomes pleasurable. Let feeding and work alternate rhythmically for months and years, and we have changed an indolent thief into an industrious workman who is conscious of power to make his way. These principles explain the elaborate regulations on these points.

The dietaries are frequently given quite fully in the documents. It must be remembered that the climate, customs, and habits of the people in the different countries vary widely. Some of our American wardens will find the food for workingmen in certain European countries very insufficient. But it must be remembered that these same men have, in freedom, a diet which is much inferior to that of our workingmen. It is unfortunate that we are not accustomed to the metric system of weights and measures; but any person can easily make the necessary comparisons with the help of a simple table.

One of the most desirable reforms in the administration of jails in the United States would be the establishment of a standard legal dietary, with power lodged in a State board of supervision to see that it was enforced in practice. Notice the examples of Denmark, France, and Germany.

Various dietaries of prisons in the United States have been published in the Proceedings of the National Prison Association, but they have not the marks of scientific accuracy which one will find, for example, in the French regulations; nor is there, as yet, any approach to a common understanding and agreement on the subject. The admirable studies of food published by the Agricultural Department will ultimately assist in the preparation of a standard dietary suited to American conditions.

Recently more study and care have been devoted to the prevention of tuberculosis in prisons, when the conditions are only too favorable for its development.

The criminal classes naturally reveal a strong tendency to insanity. Nervous diseases can be treated with the best prospect of cure in the earliest stages. In some countries the preference is given, in the selection of physicians, to those who have studied insanity and have had experience in hospitals and asylums; and sometimes special expert commissions are sent from the institutions for the insane to inspect the prisons at regular intervals, or whenever the skill of specialists is needed in particular cases. On these points the regulations of German States, Belgium, etc., may be consulted with profit.

Especial attention is called to the arrangements for post-mortem examinations in the interest of medical and surgical science and art (Saxony, Italy, etc.).

Education.—(*a*) Manual training and physical culture; (*b*) trade training; (*c*) elementary instruction, literary, etc.; (*d*) moral instruction by conferences, lectures, discussions, essays, etc.; (*e*) religious influences, chaplain, services, visitors, etc.; (*f*) library; (*g*) institution paper (most common in the United States).

A few paragraphs may be devoted to indicating the relations of the various educational factors in a prison to each other and to the supreme ends of the penal code and of modern reformatory discipine.

The entire life of a prison or reformatory is a process of education, and its aim is the development of strong character and adaptation to conduct consistent with social well-being. The administration is not always successful in its effort, for family, school, and church had already failed in their attempts before the reformatory became necessary. If the aim of retributive justice is to render to the bad man the evil he deserves, then the aim of the reformatory process is to render him deserving of confidence and reward for good conduct.

Naturally and properly the means employed must vary with the age of the prisoner. As the age of childhood and youth are approached the life of the institution comes to resemble that of an ordinary school, and the proper name for establishments for youth is an industrial or reform school. Any suggestion of crime should be removed, even in the name; and the recent legislation, for example, of German States, France, England, and the more advanced Commonwealths of the Union tends to remove all persons under 16 years of age in courts, lockups, and restraint from all contact with adult offenders. The details given for the French school are especially worthy of attention. Three forms of training are at the foundation of the reformatory proces—sphysical culture, manual training, and trade training. The gymnastic exercises for which Elmira Reformatory is noted have for their basis the conviction that a healthy body is an essential condition of mental and moral sanity. The educational value of manual training, as distinguished from the apprenticeship to particular trades, has come to be quite widely understood and acknowledged, although it seems impracticable to employ it after the age of youth. The necessity for teaching trades is apparent from the fact that such a large number of prisoners, even of those who can read and write, have never learned any craft by which they can earn an honest living.

At this point new difficulties have arisen in connection with the increased use of machinery, the specialization of the division of labor in factories and mills, and the mode of conducting large manufactories. The simple handicrafts are disappearing, especially in America, and this fact alone will make it more difficult to introduce the system of cellular separation and at the same time prepare prisoners to work as they will be obliged to do when they are discharged and go to tend machines. Fortunately a strong and industrious man who has learned one process can usually be taught some part of a new trade in a comparatively short time, and so the main purpose of trade training is the formation of workingmen.

The evidence from the regulations presented in this volume is conclusive that all civilized nations are determined to prepare the prisoners for a career of useful labor, especially if they are young enough to give promise of honesty.

The work of elementary or literary instruction in prisons for adults must be begun at a different point for different countries. Thus in Germany, Holland, Norway, for example, most persons learn to read and write and gain other elements of knowledge in the public schools, and this is the tendency in most parts of the United States. In other countries it is found that many adult prisoners have never learned the most essential forms of knowledge, and that some have even forgotten what they learned as children in school. Almost everywhere, therefore, classes must be formed in these subjects. Usually no attempt is made to go further than the subjects taught in the elementary schools.

There is a kind of education, not strictly literary, not even chiefly the acquisition of knowledge, which is needed in all reformatories and prisons, and which may be called moral instruction. An excellent book[a] by Behringer, a German prison director, has brought out with all distinctness the aims and methods of this form of education, whose purpose is to quicken the moral sense, to train men to reflect on the social consequences of certain actions, to widen their range of imagination, to kindle aspiration and fix resolution, to create personal ideals, and to make them familiar with maxims pregnant with ethical wisdom.

The ethical classes at Elmira Reformatory have aimed to secure these results, and their pedagogic devices are worthy of study. The principal devices are (1) the lecture, which presents the idea in vivid and clear form; (2) the discussion, which gives the prisoners themselves an opportunity of making their thought clear and impressive by written and oral statement; (3) the conference, in which the skillful teacher corrects errors and leads the minds of perverted men out of the fogs of moral error.

For this kind of work men with special qualifications should be appointed. It is too much to ask chaplains to add this to their ordinary services. Yet the natural and nearest ally of the teacher is the chaplain. All modern countries provide for religious influences and recognize the right of prisoners to have the help of men of their own faith.

Teaching, moral instruction, and preaching tend to quicken curiosity, to whet the appetite for knowledge, and so a library is an essential factor in prison education. Carefully selected books insensibly and unobtrusively win men from the currents of vicious and depraved thoughts and occupy their attention with the noble ideals of the master spirits of the ages. The habit of reading, once formed, helps a man when discharged to be somewhat independent of the only companionship which is offered him in freedom—association with the lawless.

The institution paper seems to be confined to prisons of the United States, and it is a device which deserves the study of friends of prisoners. It is still in a crude and rudimentary stage of development, but is constantly improving. Where the trade of printing is taught the paper can be produced at a minimum cost, and is itself a means of literary instruction of high value. In its columns the warden, chaplain, and teachers can present in attractive form the ideas which they wish to implant, and they can explain the motives which actuate them in discipline. All men need to be kept in touch with the great world to which they are to return after a period of exile; but an ordinary daily newspaper is not fit for prisoners to read. In all countries it is regarded as demoralizing to allow the free reading of daily papers. But really significant items furnished by newspapers should be made known, with intelligent comment, to all the men. The institution paper, therefore, has its place in a system of education for the members of this isolated community.

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[a] Die Gefängnisschule.

Discharge.—(*a*) "Good time" laws; (*b*) conditional release, parole; (*c*) notification (to state central authority, police poor officers, etc.); (*d*) state agent (to secure employment, watch over paroled men, etc.); (*e*) societies of patronage; (*f*) money, clothing, and expenses of travel given at release; (*g*) treatment of recidivists and violators of parole; (*h*) care of funds and property of prisoners on parole and discharged. The discharge of a prisoner at the expiration of a sentence seems to the mere man of routine a very simple matter; it is only to open a gate and let a man go out into the world. To the close observer the moment and method of discharge are decisive of the success of the reformatory process and of the fate of the convict. At no point are theoretical speculations and fine-spun analyses of criminal law of less value than here. The doctors of law can not even form a rational judgment on the worth of their symmetrical codes without studying their effects on the man after he goes free. The regulations which the present volume presents assist us in some degree in learning the results of actual first-hand experience with convicts.

The students of criminal law throughout the civilized world are divided in opinion in respect to the so-called "indeterminate sentence." The phrase is a misnomer and the use of it in controversy has led to much needless dispute and heated temper. Our own American writers have repeatedly pointed out the misleading suggestions of this popular and unscientific designation. As a matter of fact competent authorities are not so far apart as they seem to be, and the proof that all are really working upon the same fundamental principles toward the same ends is furnished by our documents.

Extremists on both sides learn to modify their notions by a wider analysis of facts and by comparison of methods. The advocates of the "classical" theory of criminal law place the emphasis on the necessity of protecting society, of making lawless men realize the enormity of their offense and the rigor and austerity of justice. They insist that penalties must be defined with precision and interpreted by courts which declare sentence in full view of all the evidence. They often express the fear that it is not wise nor just to interfere with the judicial department of government by placing part of their powers in the hands of the executive and administrative department, lest sometimes administrators permit criminals to go free on such easy terms as to make a farce of justice, or that they may hold men in durance so long that the public is unduly burdened with the cost of their maintenance and the convict suffers wrong.

On the other hand extreme statements have been made, and the value of juries, courts, and judges has been seriously placed in question. It has been said by some writers that about all that a court can do is to decide upon the simple fact of guilt or innocence, and in case of guilt hand the sick and erring man over to the reformatory to be held until he is cured, and if he proves incurable, to hold him for life without further judicial action; and that the administrative department must be the final judge of the results of training and reform. Thus we see that there is room for a contest for power between two coordinate branches of government, the police sometimes taking one side and sometimes the other.

This is not the place to present in full the positions and arguments of the points in controversy, but it is the proper occasion for comparing and interpreting the actual practice in different countries.

The German code determines the minimum and maximum punishments in a general way. On the surface the definition of crime and penalty seems to be very exact, and the prison administration seems to have no power to modify the sentence of the court. The idea of the "indeterminate sentence" seems to be excluded by a final and irrevocable law as applied in a judicial decision. But now turn to the regulations drawn up by the ministry of each state, under the penal code, and this hard exactness is seen to be modified. After all, the conduct and character of the convict have something to do with the penalty which he actually suffers. For illustration, the administration has the power to so modify and adjust the time of labor, the kinds of work, the food and bed, the exercise and social intercourse as to adjust the penalty, in its severity, to the daily conduct of the prisoner. Still more worthy of consideration is the conditional release (vorläufige Entlassung) of the German system, which is to be distinguished from acts of grace or pardon. The rules in Saxony provide that the ministry of justice may permit a release of convicts on parole under certain conditions; the prisoner must have served three-fourths of his term (at least one year) in the institution; he must have a good-conduct record; he must give evidence that he will obey the laws if set free; he must have a place to work or means to support himself.

Legally the decision is made by the ministry; but it is evident that the advice of the director of the prison is the decisive factor. The retention of power by the central ministry secures equality of treatment among the different prisons and relieves the director of the pressure which prisoners might bring to bear on him if he had the power to determine their fate. But the ministry can go even further, and, as an act of grace, on the recommendation of the director, can grant full release or change the punishment. Thus, even under the German code the decision of the text and of the court is by no means final and rigid. The German minister of justice acts very much as the board of our advanced American prisons and reformatories act under our so-called "indeterminate sentence," as at Elmira, Concord, Jeffersonville, Joliet, etc.

Similar regulations relating to conditional release, with power in the hands of the administration to recall a man who violates his parole rules, are found in the Austrian documents.

The Swiss rule (Zurich) is:

> When a convict who has been condemned to a limited term has passed through the three classes in a satisfactory manner, and can show that he has employment or means of living, he may hand to the commission, for supervision by the director, a petition for probationary release. The conference of officers sends with this a full report on the character and conduct of the convict. If the commission for supervision finds that improvement of the convict has been secured and that the other conditions of release have been met, then it sends a report and application to the department of justice, which renders a decision. The conditionally released man is required to present himself monthly before a local official and give evidence of good conduct.

The man is kept under police supervision. If the terms of parole are violated the State's attorney may move for his recall to serve the maximum sentence.

It should be observed that neither in Germany, Austria, nor Switzerland is the trial judge called upon for advice or action. He acted at the trial on all the knowledge he could gain, and knows nothing of importance in relation to the subsequent conduct of the prisoner, which determines his conditional release.

In Scandinavian countries there is a tendency to modify the rigid forms of the penal code in the same direction.

The entire development of the English system for a century has been in the direction of gradual preparation for freedom, including a period of conditional freedom at the end of the term.

Canadian prisons employ the hope of remission time as a measure of discipline. The remission of sentence authorized by statute shall, for every month, be such as the warden may determine according to the good conduct and industry of the convict, but no remission shall be allowed until after the expiry of the first six months of imprisonment. Here we find the principle of "good time" laws.

In the United States again we encounter chaos. Every known method of modifying the sentence of courts is under trial; the pardon power of the governor or of a pardoning board; "good time" laws, under which a prisoner can shorten his term and go absolutely free, without a probationary period, and conditional release on parole, with more or less of supervision by the warden, agents, and police.

France, without having introduced the "indeterminate sentence," began at the first stage to modify the rigor of judicial action by giving the court power to suspend sentence in case of young offenders and place them under care and control. In reality this is a surrender of the principle of exact retributive justice and the substitution of protective and reformatory measures. If "exact justice" demanded absolutely that a certain offense deserves a certain term in prison, the law of suspended sentence would contradict justice as thus defined. The relegation of hardened recidivists, under French law, is in principle the confession of the value of permanent custody of incorrigible criminals. In the case of juvenile offenders France long since introduced the principle of reformatory education, and logically it must go forward and apply the same principle to the treatment of corrigible adults. Indeed, the law of conditional liberation (1885) is based on modern reformatory ideas. This liberation is obtained by good conduct, sustained industry, and repentance. The prisoner must serve at least half his sentence, if he is convicted for the first time, and two-thirds if he is a legal recidivist. Means of support must be assured in advance, and the parole may be revoked for cause. A committee appointed by the minister of the interior examines all requests for conditional liberations.

Italy has a legal regulation of conditional release. If the person violates the rules, he is recalled. He is placed in the "ordinary" class if his recall is due to neglect, and in the class "on trial" if he has committed a crime. This gradation of position seems to be peculiar to Italy.

Belgium, in the administration of its law of conditional release, makes much use of the societies of patronage, and this custom is found in other countries.

These examples are sufficient to demonstrate the tendency in all modern prison systems toward a common goal, the protection of society, when possible, by the reformation of the culprit, and, if he persists in his rebellion, to render him harmless and require him to earn the cost of his maintenance so far as enforced labor can be made to cover such cost.

Thus we find in those documents much light on the nature and characteristics of criminals; on the most rational methods of restraint, discipline, and education; on the large problem of central control of local administration, and on the improvement in penal codes and in the procedure of courts. It is but one section of a large field of social study, but it is related to the entire range of human associations under law, and to the entire process of social evolution.

MODERN PRISON SYSTEMS.

GERMAN EMPIRE.

GERMAN PRISON ADMINISTRATION—IMPERIAL REGULATIONS.

The comparative method of study which has been so fruitful in the physical and social sciences rests on the implicit belief that persons and peoples can learn from each other; that civilized races, with all their differences, have many things in common; that, making necessary allowance for differences in situation, character, and disposition, there are general causes at work and general principles which may be relied on for the guidance of conduct and management.

The following study rests on these assumptions, but the facts will be set down without regard to the theory of the writer, and so will be quite as available for the use of those who may arrive at other conclusions.

PRINCIPLES OF ADMINISTRATION FOUND IN THE PENAL CODE OF THE GERMAN EMPIRE.

One of the earliest achievements and services of the united Germany was the formation of a penal code. In all the 25 States of this great nation one law prevails. In a small volume which can be bought for a nominal price any citizen can discover an exact and scientific statement of his obligations and dangers in the sphere of penal law. In the United States we have as many systems of definition and penalty as we have States, and much confusion of mind, as well as feeling of inequality and injustice, arises from this fact.

FORBIDDEN ACTS CLASSIFIED.

The penal code distinguishes three forms or grades of criminal actions, somewhat corresponding to our terms felony, misdemeanor, and offense, and these are primarily distinguished from each other by the character of the penalty. Of course such a classification, based on actions and not on the nature of the offenders, is artificial; but it is the traditional method of classification, and its evils are much mitigated in practice by provisional release, parole, acts of grace, and other devices which will be studied under the rules of administration.

The German words are Verbrechen, Vergehen, and Uebertretung, which division is akin to that in the French words crime, délit, et simple contravention.

1. Thus a felony (Verbrechen) is an action which exposes its responsible author to the penalty of death, or to a penitentiary (Zuchthaus) or fortress prison (Festungshaft) more than five years.
2. A misdemeanor (Vergehen) is an unlawful act which exposes its author to a fortress prison up to five years, or to an ordinary prison (Gefaengniss), or to a fine of more than 150 marks.
3. An offense (Uebertretung) is an act which makes the person liable to incarceration (Haft) or to a fine up to 150 marks. (§ 1 of Penal Code, Strafgesetzbuch.)

PUNISHMENT AND DISCIPLINE.

The death penalty is inflicted by beheading (Enthauptung), the guillotine being usually employed for capital punishment, and this only in case of high treason and murder in the first degree (§ 13, Penal Code).

The penitentiary imprisonment (Zuchthausstrafe) is either for a term not exceeding fifteen years or for life. The shortest term is one year (§ 14).

Ordinary or common prison (intermediate prison, Gefaengniss).—Here the longest term is five years and the shortest one day (§ 15).

Fortress prison (Festungshaft):—The term of incarceration may be for life or for a limited term, the latter ranging from one day to fifteen years (§ 17).

Simple incarceration (Haft) is for a period of one day to six weeks. It is merely deprivation of liberty for a time in a local prison or jail (§ 18).

Equivalence.—Eight months of a penitentiary equals one year of ordinary prison, and eight months of ordinary prison equals one year of fortress imprisonment (§ 21).

The theory here seems to be that life in a penitentiary is more disgraceful, is marked by harder labor and worse fare than in an ordinary prison, and therefore eight months is equal to twelve months of the milder punishment. Some directors express doubt on this subject and ask whether this distinction does not actually tend to induce men to commit grave crimes, since it is impossible to make the conditions harder in penitentiaries than in common prisons without transgressing the hygienic rules established to prevent loss of health.

Labor in prisons.—The code (§ 15) provides that the inmates of penitentiaries are to be required to labor at the tasks there imposed. They may also be employed at labor outside the prison, especially upon public works, but only when convicts are separated from free workingmen.

Those who are condemned to an intermediate prison (Gefaengniss) may be occupied with work suitable to their capacity in the institution. They can not be employed outside without their own consent (§ 16).

Cellular confinement.—The sentences to penitentiary and intermediate prisons may be executed for the entire term or part of it in separate confinement (Einzelhaft). This separate confinement can not exceed three years without consent of the prisoner (§ 22).

Provisional discharge or release.—(§ 23). Those who are sentenced for a long term to penitentiary or intermediate prison may be released at least one year before the end of the term when they have completed three-fourths of the term of sentence, and during that time have conducted themselves well. This release before the end of term (die vorläufige Entlassung) may in case of bad conduct be recalled at any time, and this recall has the effect that the time elapsed between the release and the re-arrest shall not be reckoned on the sentence (§ 24).

The decision upon provisional release (§ 25), as well as upon the recall, proceeds from the highest judicial authority (von der obersten Justiz-Aufsichtsbehoerde). Before this decision the prison direction is to be heard. Temporary arrest of the conditionally released convict, for urgent reasons of public welfare, may be made by the police authorities of the place where the released prisoner is staying. A final decision is to be asked at once.

Fines and reparation.—The minimum fine for crimes of high grade is 3 marks; for milder offenses, 1 mark. To be distinguished from the fine (Geldstrafe) is the compensation or reparation (die Busse), i. e., a sum of money to be paid by order of the criminal court to the injured party at his request and instead of further damages—for example, in cases of insult, physical injury, infringement of patent rights, etc.

Loss of honor and civil rights as penalty.—Condemnation to the penitentiary carries with it permanent incapacity for service in the German army and the imperial marine, and to occupy certain offices. Condemnation to an ordinary prison (§ 34) may be accompanied with loss of certain civil rights (franchise) and honors for a limited time (§ 31).

Surveillance of police.—Supervision by local police for certain crimes and for definite periods not exceeding five years may be ordered (§ 38).

Minors.—A person under 12 years of age can not be criminally prosecuted. If a law is broken the child is handed over to reformatory agencies (§ 55). Youth between 12 and 18 years of age, if proved to have no insight into the criminal nature of the act, may be referred to the family or some reformatory agency for correction (§ 56). Youth between 12 and 18 who are capable of understanding the criminal nature of the act are punished with shorter sentences than adults.

Simple incarceration—Treatment of tramps and other vicious persons.—§§ 361 and 362 are very important sections of the code. They are inserted to supply defects in the working of the code in case of habitual offenders of a depraved class. Those who violate parole while under police surveillance, vagrants, beggars, men who neglect to provide for their families, drunkards, prostitutes who violate police rules, and persons who rufuse work offered by the poor-relief authorities are classed together and subjected to incarceration. Some of them may be required to labor in prison, or, if separated from other workmen, outside the institution. Surveillance may be added. Minors under 18 can not be held in workhouses.

DEFINITION OF CRIMES AND PENALTIES.

Most of the code is made up of definitions of crimes and statements of sanctions or penalties. These are not taken into account directly in prison administration.

"It may be noticed that we Germans, according to our way of reducing things to general principles, determined the minimum and maximum of the different kinds of punishments in a general way in that part of our penal code which contains the general principles, while in the English and American law this is determined in the case of each offense separately. Consequently our law often says such and such a crime is punishable by Gefaengniss, the minimum and maximum being determined once forever in the general part of the law. This is one of the reasons our laws are so much smaller in volume than the English and American laws." (Dr. Oscar Hinträger; Proceedings of National Prison Association, 1899, p. 280.)

A further quotation from Dr. Hinträger will explain the connection between the penal code and the rules of administration which will be subsequently presented in some detail:

"Now, one might expect the three different kinds of imprisonment to be different in their execution according to the degree of gravity of the offense which they are set out for. This, however, is more the case on paper and in theory than in reality. Our institutions to which the men are committed for the execution of the different kinds of imprisonment do not materially differ, neither in the way of construction nor as far as treatment and discipline are concerned. This, which forms the most popular complaint against our whole system, is, besides the difficulties in the very nature of the case, mainly due to the fact that we have no unified law of the Empire regulating the execution of our court sentences. All this is determined by the legislature and the prison authorities of the different States differently. When such a law—which was intended to be passed since the enactment of the penal code—was laid before the Reichstag in 1879 the difference of opinions as to the prison system to be followed and the fear of the heavy expenses which a carrying out of the law would have necessitated for the different States was too great a difficulty to be overcome. Bismarck himself is said to have expressed his dislike of that law. So the bill, which was mainly drawn up by the Prussian secretary of justice and in an undecided way tottered between the congregate and the solitary system, was withdrawn. No new law has been prepared since, but the German Bundesrath in 1897 agreed to adopt certain principles which in the execution of sentences for imprisonment have to be followed until the final enactment of the expected law.

"'MAIN PRINCIPLES.

"'§ 1. Prisoners who are serving their time under a sentence of a criminal court of justice must be kept separate from all those awaiting trial.

"'§ 3. Female prisoners must be kept in separate institutions.

"'§ 4. Prisoners who have not yet completed the eighteenth year of their life must be kept separate from adult prisoners in such a way that no intercourse is possible between them. In case the said prisoners have to serve sentences of more than one month, they must be confined in separate institutions, where they can be kept till the expiration of their twentieth year of life.

"'§ 8. No prisoner can be placed in an institution except upon a written order of the court, in which the judgment, the offense, the punishment, and the time from which this has to be counted, is stated.

"'§ 11. Zuchthaus and Gefaengniss punishment must be served in solitary confinement, preferably, if (1) the length of sentence does not exceed three months, or if (2) the convict is under 25 years of age, or if (3) the convict has not served any previous terms.

"'§ 12. Convicts under 18 years of age, as a rule, can not be kept in solitary confinement more than three months; adults not more than three years, except with their consent.

"'§ 13. Solitary confinement can not be applied if it involves a danger to the physical or mental conditions of the convict.

"'§ 14. The convict who is kept in solitary confinement must be visited daily several times by officials of the institution; once a month, at least, by the warden and the physician.

"'§ 15. Prisoners who are confined on the congregate plan may be kept separate during the outdoor hours, and must be so at nighttime.

"'§ 16. Under the congregate plan prisoners who are disfranchised and who have served previous terms must be kept separate from the not disfranchised and the first termer. Under our law the criminal is disfranchised only for a limited period of years to be counted from the date of release from prison, and only in case of certain crimes which show a great meanness and dishonesty of character.

"'§ 17. All the prisoners have to work; the labor is assigned to them. Exceptionally the first termer and the not disfranchised convict may be allowed to work for himself at what he pleases.

"'§ 18. In assigning the labor to the convicts the warden has to regard their health, faculties, and future; in the case of juveniles, especially their education.

"'§ 20. A day's work in the Zuchthaus is not more than twelve, in the Gefaengniss and Haft not more than eleven hours.

"'§ 21. The income of the convict labor goes to the treasury of the State. The convict, however, may be allowed to earn in the Zuchthaus not more than 20 pfennige (5 cents) a day; in Gefaengniss and Haft not more than 30 pfennige (7 cents) a day.

"'§ 22. Convict labor must be regulated in such a way that the least possible harm is done to outside labor and industry. To obtain that end, the following principles must be followed in all institutions: (1) The convict labor must not be leased to private employers; (2) the products of the convict labor must in the first place fill the demands of the State and its institutions; (3) convict labor has to be distributed among as many trades as possible, so as to make the products of none of them too many; (4) an underselling of free labor must be avoided by all means.

"'§ 28. Each convict has the right to see a clergyman of his own confession at any time. He must attend the regular chapel services.

"'§ 29. The education in the institutions for juveniles covers the same matters that are taught in the public schools. The same education is given to those adult prisoners who need it and who have to serve more than three months.

"'§ 30. Books and printed matter the convicts can not receive except from the librarian of the institution.

"'§ 31. The prisoners must have outdoor exercise at least half an hour every day.

"'§ 32. In the Zuchthaus they are allowed to receive a visit of their relatives once in three months; in Gefaengniss and Haft once each month.

"'§ 34. The following disciplinary punishments are admitted: (1) Deprivation of privileges; (2) deprivation of books and printed matter; (3) deprivation of work in case of solitary confinement; (4) deprivation of outdoor exercise, but not longer than one week at a time; (5) deprivation of the bed, but not longer than one week at a time; (6) chaining, but not more than four weeks at a time, and not against convicts under 18 years; (7) punishment cell, not more than six weeks at a time. The latter punishment can be made more effective by darkening the cell and by a reduction of the daily food. The dark cell can not be used for juveniles under 18.

"'Corporal punishment is not allowed except in case of juveniles under 14 years of age, and only in so far as it is administered on them in the public schools.'

"These principles, with slight modifications, are commonly followed in all the German States. As by them the Bundesrath neither decided for a certain system nor laid down detailed rules for the control of prisons or for prison labor except the general ideas given in paragraphs 21 and 22, all these matters are left to the different States, and they have all regulated it more or less differently."

THE JUDICIAL DEPARTMENT OF THE GERMAN EMPIRE.

The court of last resort is the imperial court at Leipsic (Reichsgericht), created in 1877, which gives uniformity to interpretations of the code. The various States appoint their own judges and determine the judicial districts; but imperial laws fix the qualifications of judges.

PRUSSIA.

SUPERIOR ADMINISTRATIVE CONTROL.

(See additional particulars below. The Prussian prison regulations of Nov. 14, 1902, will be given in the supplementary volume.)

The central executive department has nine ministries: (1) Foreign affairs; (2) interior; (3) ecclesiastical, educational, and sanitary; (4) trade and commerce; (5) agriculture; (6) public works; (7) justice; (8) finance; (9) war. The ministry of state is composed of the heads of these nine ministries and it meets once a week.

In each province there is a superior district court (Oberlandesgericht); and next below it, a district court (Landgericht). In each magisterial district there is an Amtsgericht. "Minor criminal cases are tried in sheriffs' courts (Schoeffengerichte) sitting in the magisterial districts; more serious offenses by the criminal chamber of district court; all grave crimes by special jury courts (Schwurgerichte) which sit under the presidency of three judges of the district court. . . . The nomination of all judges rests with the King, but the appointment is for life and the judges stand in a position of substantial independence. The minister of justice, however, completely controls all criminal prosecutions." (Wilson, The State, pp. 271, 296.)

It is from the ministry that the regulations emanate. Control of prisons of justice belongs to the superior counsel of the State, under the supervision of the minister of justice. He has power to issue regulations for the conduct of business and order in the prisons and to give special directions in the routine of office or on complaint. The prisons are to be inspected once in two years by the superior counsel of state or by his representative, according to regulations of the minister of justice.

§ 25. In respect to oversight and discipline the officials of the prison administration, in case they hold other offices also, are to conform to regulations made for them. Officers exclusively devoted to service in the prisons are subject to the regulations made for assistants of the attorney of state. If a magistrate is over the prison the rules for officers of courts apply. Special superintendents appointed under § 3 are directly accountable to the superior counsel of state. They are authorized to discipline the officials under them by warnings, reprimands, and fines to 9 marks, and under officers with arrest for 3 days.

ORGANIZATION AND REGULATION OF ADMINISTRATIVE PRISONS.[a]

[Prison Ordinances for the Administration of Justice, December 21, 1898, R. v. Decker, publisher Berlin.]

Introduction.

§ 1. The prisons of the administration of justice serve (1) to receive persons on trial, to whom belong, in the meaning of the prison ordinances, also persons provisionally arrested; (2) for the execution of the penalties of simple incarceration (Haft) and imprisonment; (3) to execute compulsory incarceration and punishments under ordinances (civil imprisonment); (4) reception of prisoners in transit; (5) exceptionally for reception of police prisoners, especially of persons taken in charge for security, and foreigners to be extradited, and military prisoners.

Division I.—Prison Authorities and Officials.

§ 2. In each prison the officers are a superintendent, an inspector, and the required number of under officers (as superior overseers, overseers of prisoners, and corresponding female officers (for women). In large prisons several inspectors and members of the clerical and bookkeeping department, as well as persons to direct the technical and housekeeping occupations, may be appointed.

Clergymen, physicians, and teachers will be appointed according to need, or an especial agreement may be made. For very complex prisons a commission may be appointed for cooperation in administration, whose composition and functions may be regulated according to circumstances.

A. Prison superintendent.—§ 3. *General rule.*—The prison superintendent's function is in the hands of (1) the first state's attorney, in those places which are the seat of a state court or of an outer chamber of punishment, or a state attorney; (2) in other places the magistrate, and where there are several magistrates the one who has supervision. For particular prisons of large extent the minister of justice may appoint special superintendents.

§ 4. *Oversight of officers—Conduct of administration.*—The superintendent has supervision of all officers in the prison and conducts the administration according to regulations made by the ministry of justice and the superior state's attorney (§ 24).

§ 5. *Division of duties.*—If there are several officials of inspection, under officers, and clerks and directors of the technical and housekeeping departments, the superior state's attorney or the director under his orders will divide the tasks between them.

§ 6. *Prisoners.*—The director has to see that each prisoner is treated in accordance with the purpose of his incarceration and that the punishment is carried out according to the regulations of administration, with the effort, so far as possible, to further the moral welfare of the prisoner and his preparation for return to orderly life after his sentence is served. The director assigns to the prisoners their cells.

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[a] The illustrations for Prussia are taken from minor prisons. It is impossible to give all the documents in this volume, and it was necessary to make a selection.—Editor.

§ 7. The director has every day to receive the list of the places occupied and the oral reports of the inspectors or foremen in relation to all noteworthy events.

§ 8. The director has at least once a week, and occasionally—at least semiannually—once by night, to examine the prison and to record the result in a book of inspection. Prisoners in solitary confinement he must visit at least once a month.

§ 9. The director has the authority to administer disciplinary measures according to the rules (§ 95). He makes recommendations as to provisional release (§ 23 of Penal Code).

§ 10. The director has to observe the rules relating to military obligations. * * *

§ 11. The director must report at once to the superior attorney of state all important events, as mutiny, escapes, suicides, attempts at suicide, etc., with a short account of the facts. At close of the fiscal year he is to give an account of the cells, occupation of rooms, and of the official persons. At request he must render a general report.

B. Prison inspector.—§ 12. The business of the prison inspector shall be administered either by an official exclusively appointed for this task or by one appointed by the state attorney or judge of the local court.

§ 13. It is the special duty of the prison inspector (*a*) to care for the secure holding of prisoners, the inner order of the prison, and supervision of buildings; (*b*) the receipt and discharge of prisoners and preparation of notices and reports; (*c*) provisional assignment of cells to prisoners; (*d*) the special supervision of the overseers of prisoners, in which duty he will visit weekly at least twice, and occasionally—at least once in two months—by night, the entire prison and write the results of his observations in the book of inspection; (*e*) the management of the household and the estimates of cost of administration; (*f*) keeping accounts of inventories and their improvement and completion; (*g*) preparation for transfer of prisoners and their transportation; (*h*) arranging employment for the prisoners and administration of the fund of reward for labor; (*i*) conduct of books, lists, reports, etc.; (*k*) administration of firearms and ammunition and care for their keeping. The prison inspector may have clerical help as needed. Inspectors employed exclusively at this work wear the uniform prescribed.

§ 14. **Guards, men and women.**—The service of watching prisoners is intrusted to special officers, overseers, foremen, house fathers, etc., or to court servants. In larger prisons with separate departments for women this service shall be done entirely by women; in small prisons, as far as possible. The court servants who are not appointed guards are to act as such.

§ 15. The duty of such overseers of prisoners is (*a*) immediate oversight of prisoners; (*b*) fastening the outer doors of the prison and of the cells; (*c*) conduct of business of the house; (*d*) care of cleanliness in rooms and of the utensils, bedding, etc.; (*e*) care of the cleanliness of prisoners themselves, their underclothes, clothing, and of sick prisoners. The guards are also required to assist in the service at night under direction of the superintendent. In addition, minor duties of prison inspector may be assigned them with consent of the superior attorney of state. Excluded is administration of the fund for reward of work. Announcements and requests of the guards are usually to be conveyed to the superintendent through the inspector.

§ 16. **Hours of service.**—The service of a guard is not defined by regular hours of the day. During the night he may not be away from his house without consent of the superintendent or inspector. The guard is not authorized to make orders in respect to work of prisoners nor to use their labor for his own convenience. The guard must wear the institution uniform inside as well as outside the prison. Assistants during service must wear the cap of service and the side arms.

D. Other officers of the administration.—§ 17. If there are in larger prisons other officers in addition to the superintendent, inspector, and guards (§ 2), their appointment, the circle of duties, and particular assignments will be the object of special regulations for the particular prison.

E. General regulations relating to the conduct of officers of prison administration.—§ 18. The officers of prison administration are required to be moral and sober in their behavior. They must perform their duties with fidelity, industry, and order; and even when they are not under inspection must further the administration of the prison; they must make themselves acquainted with the industries carried on in the prison as far as possible. In all these tasks they must observe silence. It is their duty to be obedient to those placed over them, peaceful, and ready for work, earnest, but firm, benevolent, and just toward prisoners. Treatment of prisoners must accord with their personal peculiarities and civil position. Partiality is strictly prohibited. The adult prisoners are to be addressed with "Sie" ("you"—title of respect). How far prisoners may work for officers must be determined in particular cases.

§ 19. All communication with prisoners aside from that which belongs to the office is forbidden. Officers may not enter into any business transaction with prisoners, as selling and buying, lending or borrowing, nor act as middlemen in purchases, nor receive presents from them. Prison officers are to have no dealings with men who deliver goods, nor with business managers, to have loans from them or gifts or goods at lower prices than others, nor for any objects used in their office are they to receive rewards or advantages.

§ 20. An officer is responsible for any trespasses upon regulations by the members of his family, servants, or visitors. He must see that they have no communication with prisoners. The employment of members of the family in prison service without express permission of the superintendent is forbidden.

§ 21. Trespasses of the regulations will be punished according to the disciplinary laws.

§ 22. The board of supervision (§ 24) may permit the use of firearms to officers according to circumstances; to inspectors and guards. Officers are required to observe the following rules in respect to the use of firearms or clubs: (1) When one of them or any other person is attacked or threatened with assault; (2) when a prisoner has taken up a tool with which he may make a dangerous assault and refuses to lay it down upon demand; (3) when prisoners form a mob to escape and resist the officers in their attempt to stop them; (4) when a prisoner in flight refuses to stop after repeated order to do so, then weapons may be used. Weapons may be used only so far as is necessary to suppress mutiny, hinder escape, repel assault, and overcome opposition. Firearms shall be used only to repel dangerous attacks after warning, and only then if other means are not sufficient. Whether firearms shall be used in case of mutiny, aside from cases of direct assault, the superintendent, or in his absence the inspector, determines. Overseers of men working outside may use clubs or firearms to prevent flight if necessary. In any case of use of firearms or clubs the superintendent is to be notified at once, and he will inform the superior attorney of state of all the facts.

F. Clergymen, physicians, and teachers.—§ 23. These officers are under directions of the superintendent so far as order of the house is concerned.

DIVISION III.—SPECIAL REGULATIONS IN RESPECT TO THE TREATMENT OF PERSONS ON TRIAL.

§ 91. Persons on trial are always to be thought of as those whose guilt has not yet been proved. Comforts and employments suitable to their means and position may be given them at their own cost, so far as consistent with security and order. Chains may be used only to prevent assaults or personal injury to the prisoner, and in the principal process he must be brought without manacles.

§ 92. Persons on trial can not be compelled to labor. Voluntary labor in the occupations of the institution may be permitted by the judge, under direction of the superintendent. In this case they come under §§ 96–7, 9, with the provision that the judge decides as to the disposition of the reward of labor, removal of privilege, and placing of the credit.

§ 93. Persons on trial may use their own clothing, so far as it is sufficient and suitable. In other cases clothing will be furnished; but they may be required by the judge to appear in the clothing in which they were arrested. The clothing of persons on trial shall differ from that of prisoners under sentence according to the regulation.

§ 94. Food is supplied to persons on trial according to the diet regulations. They may be permitted, under § 67, to supply their own food. This privilege may be taken away if abused.

§ 95. Regulations of the prison apply to persons on trial, save when the judge makes other rules; but in no case can order and security be jeopardized. The fixing of disciplinary punishments for persons on trial belongs only to the judge or court who are in authority for the purpose. (§§ 116, 124 of Penal Procedure.)

If prisoners under sentence are placed upon trial for another cause, or if a person on trial is deprived of liberty for another cause, then, until expiration of term, the rules applying to prisoners under sentence are in force, with the addition that prisoners of both classes must be kept apart, and persons on trial must be employed in cells. The regulations for persons on trial in relation to communication are decisive. Prisoners who have been convicted, but not yet transferred to the institution where the penalty is to be inflicted, are treated as persons on trial.

DIVISION IV.—SPECIAL REGULATIONS FOR THE TREATMENT OF PRISONERS SERVING SENTENCE.

A. Treatment of persons condemned to jail (Gefaengnissstrafe).—§ 96. Persons under jail sentence are usually to be employed at work suited to their capacity and relations, and at their request are so to be employed. But it is not necessary that the work should be one they have previously learned. The superintendent decides whether the work is suitable in doubtful cases. If such work is at hand, the prisoner must be required to perform it, and the superintendent may excuse him only for good reason. The work is assigned by an inspector, with appeal to the superintendent. The wishes of the prisoner are to be considered. The superintendent may excuse from housework prisoners of higher education and manner of life who have not lost civil honors on account of dishonorable conduct. Prisoners can not be employed outside the prison without their consent (§ 16 of Penal Code). The declaration is to be recorded, and holds permanently for the kind of work designated, unless there are modifying circumstances. As a rule, the hours of work on workdays will be at least ten and not more than eleven. A task must be done within these hours as assigned, but completion of a task in less time does not free from further labor. In exceptional cases the superintendent may shorten the hours and diminish the task. Prisoners may be credited with reward for completed tasks and overtasks, but not more in all than 30 pfennig a day. Only exceptionally may the superior attorney of state permit a credit of one-third of the day's wages. Division of wages is made by the superintendent for each task under these rules. No legal claim can be made for such credits. Prisoners can control during the term one half the credit for reward of labor, with consent of the superintendent. Over the other half they have no control without consent of the superior attorney of state (or of the supervising commission, if such exists). In case of bad conduct the privilege may be withdrawn for two months, and with consent of the superior attorney of state for a longer time by act of the superintendent.

§ 97. Those sent to jail for sentence, who are not condemned at the same time to lose civil honors, may during their terms use their own clothing, underclothes, and bedding, under the house rules, if these are suitable and sufficient, otherwise they are to be supplied by the institution. Prisoners whose sentence includes loss of civil honors must wear the prison garb and use prison beds.

§ 98. Those condemned to jail sentence are to be provided with food according to the prison rule for diet. Such prisoners may provide their own food only when the physician prescribes it and the prison diet is not suitable. Outside of cases permitted to provide their own food such persons may not purchase other articles from without. Jewish prisoners at Passover are permitted to enjoy ritual food and that furnished by the church. But the administration is not to bear the cost. On such days these prisoners are separated from others.

§ 99. Those condemned to a long sentence may, when at least one year has been served, and they have conducted themselves properly, be conditionally released. (§§ 23, 26 of Penal Code.)

B. Treatment of those sentenced to simple incarceration (einfacher Haft).—§ 100. Those condemned to simple incarceration (with exception of those who under § 361, 3–8 of the Penal Code must serve a sentence of incarceration) can not be compelled to labor. They are permitted to work in a way not disturbing to the order, security, and purpose of the prison. Employment may be given them by agreement. Self-employment may not be made dependent on a payment of idemnification.

§ 101. They keep their own clothing, underclothes, and may use their own bedding, so far as the articles they furnish are sufficient, in order, and suitable; in other circumstances the institution will supply their wants.

§ 102. At their request they may provide their own food under § 67. If they do not choose to do this, or if the privilege is taken away on account of abuses, the prison administration meets their needs.

C. Treatment of those condemned to aggravated incarceration (geschärfter Haft).—§ 103. Those convicted under § 361, 3–8 of the Penal Code may be required to work at labor suited to their capacity and relations, under § 96, inside, and, so far as they can be separated from free laborers, outside of the institution. Their employment outside the prison does not require their consent. They receive prison clothing and bedding. Their food is furnished according to the diet list of the prison. They are not permitted to supply their own food. Additional articles of food may only in exceptional instances be procured.

DIVISION V.—SPECIAL REGULATIONS RELATING TO THE TREATMENT OF CIVIL PRISONERS.

§ 104. The rules governing the employment, clothing, bedding, and food of persons under simple incarceration sentences apply also to civil prisoners (§§ 100–102). According to demand provision may be made for one or more better cells, with large windows, furnished with bed, table, washstand, and chairs. Writing materials are not refused to civil prisoners. Written communications are not inspected. Visits without the presence of an officer are premitted. The cleansing of cells, night vessels, etc., will be cared for by the prison administration.

DIVISION VI.—SPECIAL REGULATIONS FOR THE TREATMENT OF PRISONERS IN TRANSIT IN CHARGE OF POLICE AND MILITARY PRISONERS.

§ 105. Prisoners in transit are to be treated as provisionally arrested persons, or persons under trial, or prisoners serving sentence, according to the facts. Persons arrested for safety or for delivery, being foreign, are police prisoners. Discipline over them will be administered by the superintendent. Police prisoners are like those adjudged to simple incarceration. Those adjudged to care of police boards, after serving the judicially aggravated incarceration, until they are taken over by the police board are to be treated as if in simple incarceration. The treatment of military prisoners is according to military regulations.

DIVISION VII.—SPECIAL REGULATIONS FOR THE TREATMENT OF THOSE ADJUDGED TO INCARCERATION IN A FORTRESS WHOSE TRANSFER TO THE INSTITUTION OF PUNISHMENT IS NOT COMPLETED.

§ 106. The rules for civil prisoners apply here. The time for outdoor exercise is increased, but not more than to five hours daily. Disciplinary measures are restricted to those in § 58, 1–3, and 5.

GENERAL REGULATIONS IN RESPECT TO THE CONDUCT AND ORDER IN THE PRISONS.

A. RECEPTION OF PRISONERS.

§ 26. Reception of a prisoner is made on the ground of a written order of a magistrate or of the State attorney. The reception of prisoners under sentence is upon the ground of a written order to receive from the board for executing sentences, the reception of police prisoners on the ground of a written order of a police board. Persons who are delivered by a public board or by officers of the police or security service may be received, but only provisionally, without written order if their condition (drunkenness, filth, sickness, etc.) does not forbid. The superintendent is to be notified at once in such cases. If, on the ground of an order of arrest, a warrant of capture, a citation for punishment, or other occasion, a provisional arrest is accepted, the board of execution or other authority will be notified immediately. Persons brought for punishment, as a rule, will not be received except on work days, and not before 7 in the morning nor after 6 in the evening.

§ 27. The prisoner is to be notified at his reception of the term for which he is imprisoned.

§ 28. Sick persons must at once be placed under medical care, and if they are not sent to a hospital shall be kept in separate rooms. Persons with contagious diseases are not to be received into the prisons. This holds of women with child if the condition is in the seventh month, unless the reception is seriously required for executing the sentence.

§ 29. Prisoners are not permitted to bring their children into the prison. An exception is made in the case of a suckling infant with the mother. If children are brought under other conditions they may be held only until the police can take them away.

§ 30. Where the circumstances permit a separate cell is to be set apart for the first entrance. The prisoners are to be carefully examined, person and goods, by an officer, by the house father if such an officer is present. Female prisoners are examined by a woman guard or other suitable person. Where needful the prisoner may be required to clean the person. During the incarceration (Haft) all superfluous articles—money, jewels, papers, orders and medals, extra clothing, and all instruments which might aid escape—will be taken from prisoners. Whether clothing for head and feet and suspenders shall be taken away depends on the danger in the case. Civil prisoners and others still possessing civil honors may remain in possession of articles which persons of their social position need for their convenience.

§ 31. Money and other articles taken from prisoners are to be recorded in a book and a receipt signed by the person who made the examination. Money, valuable papers, and jewels are to be delivered to the superintendent for further disposition. He will decide whether the articles are to be delivered to the court or whether they are of such trifling value that they may properly be kept in the prison. In the latter case a record is made and the articles are kept in a proper room. * * * They are to be protected from injury and theft. * * * The board for executing sentences is to be informed by the superintendent of the fact that the prisoner owns money or other articles good for security. The superintendent must assure himself each month that the articles are safely kept. If there is a fund for reward of work this inventory is connected with the other. The result is recorded; the list is certified. In some prisons the delivery of articles to the court is not usual.

§ 32. A description of every person on trial and of everyone serving sentence must be made within twenty-four hours after reception; the person serving sentence must be in for more than a one-month term. Whether a photograph shall be taken is determined by the judge, state attorney, or superintendent. Books are to be kept separately, after a form, for persons on trial, prisoners serving civil sentences, criminal sentences, or under police arrest. For prisoners on a term of one year the personal record must contain at least a certified copy of the sentence; description of the person; list of disciplinary punishments; remarks upon previous punishments and conduct. If the same prisoner is sent to serve a further term in another prison the record shall be sent to that prison.

§ 33. For every prison there shall be a set of regulations approved by the superior attorney of state, which shall regulate the treatment of prisoners. Especially there shall be thus set down the rules for rising and retiring, meal times and work hours. Each prisoner on admission will be told the essential contents of the rules and be informed that he will find a copy in his room.

§ 34. For the assignment to rooms the following rules apply: I. Prisoners are to be separated according to the kind of incarceration. Where the arrangement of buildings compels persons of different classes to be kept in one building they shall be assigned different rooms if possible; for persons on trial, prisoners under sentence, with separation of those condemned to prison, simple incarceration, and aggravated incarceration (§ 361 of Penal Code), civil prisoners, police prisoners, prisoners condemned to fortress incarceration but not yet sent forward. II. Prisoners of different sex must never be placed in the same cell. Where the arrangements do not permit placing men and women in separate houses the women must be kept in separate cells and all communication prevented. III. Prisoners under 18 are to be kept apart from adults and all communication between them prevented. For serving terms of over one month separate institutions or divisions are as a rule to be used. Youthful offenders may thus be kept to the twentieth year and to end of term, if that does not exceed three months more.

§ 35. If these principles must be temporarily transgressed on account of crowding, notice must be given at once to the superior attorney of state by the superintendent, and if relief can not be found in the district notice shall be sent to the minister of justice.

B. Solitary Confinement—Congregate Confinement.

§ 36. Persons on trial are to be separated so far as possible from other prisoners, and conspirators as far as possible from each other in cells.

§ 37. The punishment of imprisonment (Gefängniss-strafe) may be wholly or partially served in solitary cell. In such cases the prisoner is in a cell by night and day entirely removed from other prisoners. Not more than one prisoner may be placed in one cell. Prisoners may be kept from all communication during exercise outside at worship, in school, and by all work outside of the cell. Solitary confinement can not be extended beyond three years without consent of the prisoner. The consent must be recorded. Prisoners under 18 are not to be confined in a cell more than three months without consent of the attorney of state. Sentences to incarceration (Haft) may be served in a cell.

Solitary confinement.—§ 38. The superintendent decides whether the prisoner is to be placed in solitary cell. Where the local conditions permit the term of sentence shall begin with solitary confinement. This will be applied when (1) the punishment does not exceed a term of three months; (2) when the prisoner is not over 25 years of age; (3) when the prisoner has never served a sentence in the penitentiary, common prison, or in aggravated (geschaerfte Haftstrafe) incarceration. The wish of the prisoner who has not lost civil honors is to be consulted as far as practicable.

Exclusion of solitary confinement.—§ 39. Solitary confinement is excluded when there is danger to the physical or mental health of the prisoner. The superintendent, in case the term is for more than three months, is to take the advice of the physician.

Visits.—§ 40. Every prisoner must be visited daily several times by officers, and monthly, at least once, by the superintendent and physician.

§ 41. The cells for congregate imprisonment must have room for at least three persons. Exceptionally two persons may be placed in one cell, especially if the health of the prisoner requires it. The placing of adults and minors together is forbidden. In congregate confinement the separation at worship and times of exercise out of doors is not prohibited. During the night the prisoners must be separated as far as practicable, unless the condition of particular persons makes it advisable to place two or more together. When several persons are placed in the same room consideration must be given to age, social condition, education, and the nature of the offense, as far as may be. Prisoners who undergo sentence to simple incarceration or common prison, so far as they still possess civil honors, and have not previously served a term in the penitentiary, nor a sentence of more than two weeks in a common prison, nor an aggravated incarceration, should be separated as much as possible from other prisoners.

C. CLOSING AND SECURITY OF PRISONS—HOUSE POLICE.

Closing.—§ 42. The entrances to the prison buildings and courts, the doors which confine entire divisions, as well as the doors of rooms in which prisoners are placed, especially the doors to prison cells and the wicket in them, must be locked. Only during exercise hours and when the rooms are cleansed, the guard being on duty, may the door be left open. The stove and chimney doors are to be fastened after heating. Keys must be carefully kept. They may never be left lying down, nor may they be given to a prisoner, even so much as to carry to another officer. Keys used only temporarily must be carefully locked up. The superintendent and inspectors, or, if they do not reside in the prison, the guard who resides there, keep a master key to the prison, of which use may be made only in urgent cases, as fire or serious danger. In every prison the superintendent organizes service to extinguish fires.

§ 43. Ladders or other objects which might be used for climbing or escape may be used in the courts only with strict care. Fire ladders and hooks must be locked up.

§ 44. The guards must daily assure themselves that the window gratings, locks, roofs, walls, floors, stoves, and utensils are uninjured, and that nothing suspicious is to be found in the straw sacks and corners of the prison. They must examine the clothing of the prisoners with the same object, and if the persons are chained must see that chains are sound. For inspection of cells the hours of freedom are to be used. The guards must see at night when the prisoners are shut in, and in the morning when doors are opened, that the prisoners intrusted to them are all present. In the workshops the implements must be laid upon the worktable after end of work, and their number and kind noted according to the inventory. From prisoners at work in their cells the tools must ordinarily be taken away after work. Prisoners temporarily out of the prison upon return must be examined.

§ 45. Free laborers and persons delivering wares within the prison are to be carefully watched to avoid unlawful communication with prisoners. All intercourse with the outside world, especially with persons of the neighborhood, is to be prevented with care.

§ 46. Prisoners known to be dangerous, or described as such, and those intended to be sent away are to be given special care. Those who are dangerous may be chained at night or their clothing taken away. If the measure touches a person on trial his judge is to be notified and his consent gained.

§ 47. Prisoners who disturb order and heed not the warning of the guard may be at once placed in an arrest cell, in which case notice must at once be given to the superintendent or judge.

§ 48. For temporary control of actual violence and to secure the prisoner, when other means fail, chains and strait-jacket may be employed. Chaining is also permissible in case prisoners are to be transported or brought before a court. This is to be admitted by superintendent or judge only when, after careful inquiry, it seems in the individual case indispensable.

§ 49. In respect to unusual events in the prison, as attempts at escape, flight, assaults, serious vicious treatment, and wounds; suicide, attempts at suicide, discovery of conspiracy or of dangerous tools in possession of prisoners, fire, accidents, and the like, the superintendent is to be notified at once.

Rules of Conduct for Prisoners.

§ 50. Every prisoner must obey the rules of order and special regulations of the prison, the orders of all prison officers and guards, and be careful to behave himself politely. All singing, whistling, crying, shouting, is forbidden with penalty. All acts of violence among prisoners will be punished. With other prisoners may no prisoner haye communication by writing or signs, knocking, etc.

§ 51. Without permission may no prisoner leave the room assigned him, nor his place at work, table, or elsewhere. If several prisoners are taken out together they shall march in pairs or singly and avoid all crowding. Flight and attempts to escape are serious offenses against the order of the prison and will be severely punished.

§ 52. Playing cards, dice, and the like games, and the use of distilled liquors, are forbidden. The same holds of smoking or chewing tobacco or snuff taking, unless exceptions are permitted on special grounds by the superintendent.

§ 53. All financial transactions of prisoners, especially trade in clothing and food, receiving and giving presents, and lending or borrowing, either with each other or with officers, is prohibited. It is forbidden the prisoners, except by permission of the superintendent, to receive anything from visitors.

§ 54. The prisoner must, in the morning as soon as the signal is given, rise at once, make his bed, wash his face, neck, and hands, comb his hair, brush his clothes, and dress himself. At night he must hang his clothes in the proper place and lie down without his clothing.

§ 55. The prisoners are required, unless excused by the superintendent, to keep their cells and furniture clean.

§ 56. The prisoner must refrain from injuring or soiling the room where he is confined, or the furniture. He must handle his clothing, bed, work materials, and tools carefully and guard himself against bad temper, obstinacy, or heedlessness. For all injuries recompense must be made. For injuries done by the prisoner in attempts to escape, upon walls or ramparts or other parts of the building, or through his vicious or ill-tempered acts, the amount credited to reward of work will first be drawn on for restoration.

Requests and complaints of prisoners.—§ 57. Requests and complaints of prisoners are to be brought to the notice of the guards by the inspectors. If they can not at once be disposed of, or if they affect the inspector himself, they are to be laid before the superintendent. Requests and complaints may also be laid before the superintendent or inspectors immediately. Every complaint must be brought by the inspector in urgent cases at once, and generally within twenty-four hours, to the attention of the superintendent by the inspector. Repeated complaints from frivolity or ill temper shall be punished.

Communication of prisoners with the outside world.—§ 79. Persons who are not officially employed in the prison shall not communicate with outside persons without express permission. There must be inquiry whether there is any ground for suspicion against a person who seeks to visit a prisoner. Permission is granted to persons on trial by the magistrate, and to others by the superintendent. As a rule, each prisoner may receive one visit a month from relatives, and in special cases from others. Prisoners of good conduct may be permitted to receive visits at shorter intervals. Visits shall not usually be in cells, but in an office or room set apart for the purpose. Exceptionally, sick persons maybe visited in the infirmary. Conversation of visitors with persons on trial must be in hearing of the magistrate or of his representative; with prisoners on sentence only in hearing of a prison officer; and in both cases in a language understood by the official. In particular circumstances the superintendent may permit visits without a witness. Any abuse of the privilege results in the immediate removal of the visitor, and the prisoner may afterwards be deprived of receiving other visits. The attorney of a person on trial may consult him; the superintendent decides as to time and place. So long as the principal process has not yet begun visits are permissible only after the judge has decided whether a representative of the court must be present.

§ 80. Written communication is permissible to persons on trial, with permission of the judge, and with persons convicted by consent of the superintendent. Letters coming in or going out must be laid before the judge (in case of persons on trial) and before the superintendent (in case of other prisoners); must be stamped with approval, and letters without postage are to be refused unless the prisoner has means and agrees to pay. Letters may be forwarded only when approved by the official charged with examining them. If a person on trial wishes to send a letter sealed to the judge, he may do so according to a form, and the judge then decides whether it shall be seen by the superintendent. No prisoner shall be furnished writing materials without approval of superintendent. Persons on trial may have means of writing, but must be carefully watched.

Incoming letters are kept by persons on trial only by permission of the judge, and those for prisoners on sentence with consent of superintendent. If consent is refused the letters, after they have been read, shall be taken from the prisoner and preserved for him till his discharge, while persons on trial may first seal them. Letters approved for delivery are to be given to persons on trial as quickly as practicable. While further permission may be granted, the rule is that only once in four weeks may a prisoner under sentence receive or send letters. More frequent letters and objectionable ones will not be distributed. If a letter or parcel is not delivered the fact and reason will be told the prisoner. Permission to receive or send letters may be withdrawn if it is abused. Permission to address communications to a court, state attorney, and board of supervision is not subject to above limitations. Such communications will not be withheld, and those to other boards only if they contain contents which are abusive or actionable. A person on trial may communicate with his counsel. So long as the principal process has not begun it remains with the judge to decide whether communication may be permitted without examination of contents by the judge. In general, the person on trial shall not be subjected to further restrictions than are necessary for the purposes of the incarceration and the order of the prison.

§ 81. All official communications to a prisoner are delivered in presence of a prison official.

Disciplinary Punishments.

§ 58. As disciplinary punishments are permissible: (1) Reprimand; (2) withdrawal of privileges permitted by the regulations; (3) withdrawal of books and writing materials for four weeks; (4) cellular confinement, withdrawal of work for one week at most; (5) withdrawal of right to exercise in open air for one week; (6) withdrawal of bed, for one week as maximum; (7) reduction of food in one of these ways: (*a*) withdrawal of bread at breakfast, dinner, or supper; (*b*) withdrawal of soup at breakfast, dinner, or supper; (*c*) withdrawal of meat; (*d*) withdrawal of meat, in addition to withdrawal of soup and of bread either in the morning or noon or evening; (*e*) restriction of food to bread and water; (8) solitary confinement (arrest) up to the limit of six weeks. The means, 1–7, may be employed alone or in connection with each other. Solitary confinement may be intensified by: (*a*) Withdrawal of privileges granted by the house rules; (*b*) withdrawal of books and writings; (*c*) of work; (*d*) of bed; (*e*) reduction of food; (*f*) darkening of cell. Intensification of punishment may be by one form or by several in connection, for the entire duration or for a part of the term, except that intensification by darkening of cell may not be prolonged over four weeks. If solitary confinement continues longer than one week the forms of intensification (*d*, *e*, *f*) are to be omitted on the fourth, eighth, and afterwards on the third day. Intensification of solitary confinement by darkening cell is forbidden in case of prisoners who are under 18 years of age. But the same disciplinary measures used in the common schools for persons of the same age and sex are permitted.

Method of discipline.—§ 59. The assignment of disciplinary punishment, after hearing the prisoner, is the duty of the superintendent, board of supervision, or, in case of persons on trial, the judge or the court. Usually the punishment will be inflicted forthwith. Competence is determined with reference to a prisoner under sentence according to the time and place of the trespass. So far as measures not mentioned under § 58, 1 (under 1–4), the physician must be informed that he may give his opinion to the superintendent. The infliction of a disciplinary punishment must be recorded in a book. The prisoner may enter objection to the punishment, but not on that account will it be delayed.

Industry.

§ 71. Useful work is to be introduced into every prison. It may be permitted to individual prisoners to work at other than the customary occupations of the place. The superintendent decides in each case. Work not consistent with health and order shall not be introduced nor permitted. Employment at writing or accounts shall not be permitted unless the prisoner is in a solitary cell and the work does not threaten the good order of the prison. Work which is connected with the personal relations of prisoners and officers shall not be imposed on prisoners. Consideration must be had in the selection of tasks to the health, capacity, education, calling, and future prosperity of the prisoner. Regularly a certain amount of labor must be fixed and its performance watched. If the work is neglected punishment must follow. The work assigned youthful offenders must be educational in character. All clothing, bedding, and other articles of use in the prison, and raw materials when possible, shall be prepared by labor of prisoners. Household work for the prison must be done by prisoners. So far as possible the regular industries of the prison shall be for State uses. Where this is not possible private industry shall be protected as far as practicable. The work shall be divided among many trades and paid for by piece price or day wages. Underbidding of free workmen must be avoided, the special conditions of prison labor being taken into account.

§ 72. Prisoners may be employed outside, especially upon public works, but they must be kept separate from free workmen. (§ 16 of Penal Code.) Forest and agricultural labor may be considered, if the purpose of punishment is not hindered.

§ 73. How far compulsion to labor and how far voluntary participation in employment is decided by §§ 92, 96, 100, 103–106.

§ 74. Any person who works under the prison officers must obey the regulations. Workmasters of managers from outside may be admitted only under the regulations of the prison service.

§ 75. On Sundays and Christian holidays work ceases. Prisoners of the Jewish faith can not be required to labor on the Sabbath or on one of the following holidays: Purim, Passover, Feast of Weeks, Feast of Atonement, Feast of Tabernacles. But such persons may work on Christian holidays if the work does not cause disturbing noise.

§ 76. Prisoners not required to labor may work at occupations permitted by the superintendent. Exceptionally, prisoners who have been used to mental employment, are in possession of civil honors, and have not served a penitentiary sentence may, by permission of the superior attorney of State, employ themselves on their own account. This consent is liable to recall, and an equivalent may be required. The product counts as reward of labor. Self-employment which disturbs order is not permitted. Self-employment is under the direction of the superintendent of the prison.

§ 77. The product of the labor required or permitted flows into the State fund. The product of employment of a prisoner on his own account is his own, so far as he is not required to pay an equivalent.

Health—Regulations Pertaining to Household Affairs.

Order and cleanliness.—§ 60. The rooms of the prison are to be designated by numbers in order. On each door of cell or hall must be affixed the number and the contents (cubic meters). By the letters U. S., C., and P. is to be made known that in the cells are found persons on trial, under sentence, civil or police cases. Inside the cell is a table with the name of the prisoner and the day of admission into the prison, and, in case of prisoners for punishment, the day of release and the act for which he is sentenced. The division of the prison into divisions must be made when possible. In all rooms order and cleanliness must be maintained. The prison cells, work, and sleeping rooms are to be scrubbed once a week. Marks of injury and defilement of walls are to be removed as quickly as possible. Adequate ventilation of rooms must be secured. The night vessel is to be carried out and carefully cleansed daily, the closet once a week, and the night vessel daily disinfected.

§ 61. All the utensils, tools, materials for work, books, clothing, bedding, etc., intrusted to prisoners must be carefully kept. The dishes for eating and drinking must be always clean.

§ 62. The prisoners are to be bathed as often as required. Hair and beard will be cut as often as necessary, but shall not be changed in appearance more than is necessary for cleanliness and neatness. Prisoners on trial are not to be changed in appearance. Those under sentence of more than one week to prison or incarceration (Gefaengniss or Haft), so far as they desire or cleanliness demands, are to be shaved once a week. No prisoner shall have a razor without express permission.

§ 63. The underclothing and the towel given each prisoner are changed weekly, the bed clothes monthly. The ticks are to be repaired or refilled as required. Underclothing and bed clothes must be washed before being used again by another prisoner. Beds are to be removed from a cell during the day if occupied day and night, unless the bed can be fastened up to the wall.

Clothing.—§ 64. Prisoners have a uniform house suit given by the administration of the prison when they are not permitted under the regulations to furnish their own clothing. In outside work the house uniform is always to be worn. All further matters are regulated by the house ordinances. Each prison must keep an adequate supply of garments for those who are not permitted to wear their own clothing. Clothing not in use must be kept in a well-aired room. Worn garments must be cleansed and repaired before they can be given out again. The superintendent is required to examine the clothing, and he alone can declare garments unfit for use. Articles of clothing taken from a prisoner at admission, so far as necessary, shall be cleansed, ticketed, and kept safely in a well-ventilated room, to be handed over to the prisoner at his discharge. Prisoners who furnish their own clothing shall not usually be permitted to have more than one suit at a time at their disposition. Washing of clothing of prisoners shall be done only through the medium of officers.

Beds.—§ 65. Each prisoner has a separate bed. As a rule all prisoners must use the beds provided by the institution. A prisoner may sometimes obtain the permission of the superintendent to furnish his own bedding.

Food.—§ 66. Food is furnished either by the administration of the prison at State cost or by the prisoner himself at his own cost. The food must be such that the working efficiency and health of the prisoner shall not suffer. Work may be adapted to the individual prisoner, but must be uniform in other respects. Whether exceptions may be made on grounds of health the superintendent decides, on advice of physician.

§ 67. Whether a prisoner may be permitted to supply his own food is decided according to §§ 94, 98, 102, 103, 104–106. Food supplied at cost of prisoners must be furnished by an authorized dealer according to regulations made by the superintendent. If a judge exceptionally permits food to be brought from without it must first be inspected. Baked goods must be cut through. If food is supplied to Jewish prisoners the articles may be prepared with respect to the rules of food recognized by the Jews. Such food may not go beyond moderation. Spirituous liquors are altogether prohibited.

§ 68. In each prison there will be exhibited a list of articles of food which may be purchased out of the labor-reward fund of the prisoner in addition to that furnished, and the prices shall be shown. The sale of these articles is limited to the officers of administration. The written permission of the superintendent must be had in each case. The price list shall be posted in every cell.

Heating and lighting.—§ 69. The rooms must be warm enough to protect health. Before locking up, the guard must be sure that fire in the furnace and kitchen is extinguished.

§ 70. In the night, rooms which have 12 or more inmates shall be lighted, and also stairs and corridors while it is dark. Prisoners of good behavior may be permitted to have light up to 10 o'clock. The superintendent decides further questions on the subject. Heating appliances in cells are not as a rule permitted.

Exercise in the open air.—§ 78. All sound prisoners who are not employed in court, or garden, or labor outside, or are not in arrest, are to be given at least a half hour of exercise out of doors daily when practicable and the weather permits. They must then be constantly watched. Persons under trial are also to be given this privilege, but they must not mingle with other prisoners. This exercise must not be before daylight nor after dark, nor on hot summer days between 11 and 2 o'clock.

Sickness, births, and deaths.—§ 85. *Sickness.*—When sickness occurs the physician is to be informed, or in urgent cases one from outside may be called. Where the circumstances are serious the superintendent is to be informed, and if the person is on trial, the judge. The police board is to be informed, according to health regulations, of the presence of communicable disease. Persons on trial, with the consent of the judge, and prisoners under sentence, with that of the superintendent, may at their own cost employ a physician from outside. Sick prisoners are to be treated in a large and well-ventilated room, by preference one set apart for an infirmary. * * * The orders of the physician are to be carefully followed, and the watchmen are to see that the orders are observed. The medicines ordered are to be recorded in a book. * * * Only when his condition requires may a sick prisoner be sent to a hospital outside, designated by the superior attorney of state. The board of executing sentences shall be informed of such order. Women approaching delivery shall be placed in a public maternity hospital or let go free temporarily. If a prisoner when taken to a hospital is not at once freed from incarceration, in respect to which each case shall be considered thoroughly, then the superintendent must inform the hospital when the prisoner ceases to be under the charge of the court (§ 87). In case of sick prisoners the principles of § 34 governing separation are not applicable.

§ 86. Births and deaths are to be reported to the registrar according to law. * * * A child born in prison is to be given over to the family or to the police board of the place for care as soon as practicable. Sickness of a dangerous character is to be made known at once to relatives. With notice of death the family is to be asked whether they will within twenty-four hours or so care for the burial. The body is to be delivered to them if requested. If they do not attend to burial within the time given the body will be given to the local police board. The superintendent must give notice to the police board where the prisoner lived and to the board for executing sentences in case of death.

EDUCATION AND RELIGION.

Religious service—Instruction—Reading.—§ 82. No prisoner shall be refused interviews with a clergyman of his faith. For all prisons which contain at least 10 prisoners, on the average, of the same Christain faith, provision must be made for appointing a religious teacher and for regular service. As a rule, prisons with numbers not exceeding 50 of the same faith shall have service once in four weeks, with larger prisons once in fourteen days, and prisons which have their own clergyman once a week. When this is not practicable devotional exercises may be substituted. Also in the smaller prisons thought shall be given to the spiritual welfare of prisoners as far as can be done. Persons on trial, with exception of those merely arrested on suspicion of a trespass, may be admitted to the public service only by permission of the judge. Prisoners under sentence are required to attend services unless they are sick or are excused by the superintendent on particular grounds. Civil prisoners are free to attend or remain absent. Participation in the ecclesiastical means of grace is to be accorded prisoners, but no compulsion may be used. Jewish prisoners on their Sabbath and on Jewish holidays may hold suitable devotions in a room set apart.

§ 83. In institutions for youthful offenders all receive religious instruction and instruction in the branches of knowledge taught in the public schools. Whether a school shall be provided for a prison of adults shall be decided in particular cases by the minister of justice. All under 30 years who require instruction are required, as a rule, to attend. Older prisoners may be admitted on their request.

§ 84. In every cell must be placed a Bible or Testament or suitable book of devotions. Also other religious and instructive books must be provided. The books will be given with reference to the needs of the individual prisoner and in part to his expressed wishes. In rooms where several prisoners are confined provisions may be made for reading aloud during free time. The guard must see that the books are not injured. Prisoners who are undergoing jail sentence or aggravated incarceration may take books only out of the institution collection. In exceptional cases the privilege may be extended by the guard. Other prisoners may have other books and publications, and, if in cells alone, newspapers as exception to the rule. Permission is given by the superintendent.

CARE OF DISCHARGED PRISONERS.

Discharge of prisoners—Transfer to another establishment—Suspension and division of the execution of sentence.—§ 87. The discharge of persons on trial may occur only on written order of the judge or state attorney. Before the end of sentence no prisoner may be discharged except by special order. In the order the reason for discharge or transfer shall be noted. After expiration of the term of sentence prisoners under punishment are to be discharged without special order. To this end the term is to be recorded in the calendar. A day is reckoned twenty-four hours, a week seven days, and the month or year according to the calendar. In punishments of reclusion the term begins with entrance into the prison, unless some other terminus is named in the order. Time spent in a hospital, unless release from incarceration is ordered at the same time, will be counted part of the term of sentence. The other course can be only by judicial order. (Code of Penal Procedure, § 493.) The inspector and superintendent are required to see that a prisoner does not stay longer than the term fixed in the sentence. If the end of the sentence expires between 6 p. m. and 7 a. m., then the release must be on the previous evening at 6 o'clock. The prisoner may be permitted to remain until morning on his request. This rule is applicable to persons on trial and civil prisoners. The superintendent may consider the railroad connections in fixing the time of discharge. The notice of discharge must be in writing. In case of civil prisoners who are confined on demand of a creditor, it must be considered that their release may occur:

when the creditor requests it; when the security for expenses is exhausted; when the confinement has reached six months. Prisoners held on ground of § 361, 1-3 of the Penal Code, to serve sentence, as well as those under police supervision, are to be notified to the police in good time before discharge. * * * These prisoners receive a certificate showing what offense had been charged, the term served, and the conduct in prison. If the person is a proper subject of police supervision this fact is to be entered in the certificate. Such a certificate is to be given other prisoners if they request it. Youthful offenders who are released on the order to transfer them to a reformatory or educational institution (§ 56, Penal Code) shall be made known in good time to the police board. Dangerous insane persons are to be made known to the police board. At discharge the person is to receive his own clothing, cash, and other articles, and his share of the labor fund, and he shall receipt therefor. Prisoners must be clothed in such a manner as is required by the season of the year, health, and propriety, and if they are transferred to another institution the length of travel must be considered.

§ 88. In the discretion of the superintendent, the money not needed for transportation which remains to the credit of the person shall be sent to a police board or a society for aiding discharged prisoners, to be handed him as required. * * *

§ 89. If persons on trial or prisoners under sentence are to be transferred, the physician must examine them and certify that they are able to travel. If the prisoner has been some time in the institution without showing signs of sickness this examination may be omitted. In this case the superintendent decides. If there is doubt, or if the prisoner thinks he is not able to travel, then the physician shall make an examination. When a prisoner is delivered for transfer a certificate must accompany him that he is free from vermin and infectious disease.

§ 90. Neither the superintendent nor any other officer of the prison administration has power to decide in respect to the suspension or division of the sentence or the release of a prisoner.

BAVARIA.

[Regulations for the service of the judicial prisons (Gerichtsgefängnissen) in the Kingdom of Bavaria, Munich, 1883. Extract from the law of August 18, 1879, for the execution of the Imperial Code of Criminal Procedure.]

ORGANIZATION.

III. DIVISION—EXECUTION OF PUNISHMENTS AND CONSEQUENCES OF SENTENCE.

ART. 23. The penalties of incarceration in Bavarian prisons, when the convict has to remain more than three months in confinement, shall be carried out in institutions specially built for the purpose, and otherwise, keeping article 25 in mind, in judicial prisons of the country. But if the term of sentence does not exceed eight days it may be carried out in a local prison (Amtsgerichtsgefängniss).

ART. 24. The places of fortress incarceration shall be determined by regulations.

ART. 25. The separate punishment of youthful offenders, under section 57 of the Imperial Penal Code, must occur in special prisons built for the purpose, when a prison penalty is fixed and is set for more than one month. For executing sentences of shorter duration and in fortress confinement or simple detention, youthful persons are to be kept in separate rooms. The preceding rules are applicable also when a person who at the time of the deed was not 18 years old has been condemned to deprivation of liberty on the ground of some act against the existing law of Empire or Kingdom aside from the code.

ART. 26. All punishments which deprive of freedom, which are not to be served in penitentiaries, or in respect to which there is no regulation in the preceding articles, are to be executed in local prisons.

ART. 27. The treatment of prisoners, so far as not determined by the Penal Code of the German Empire, is regulated by the house orders. The house orders are issued for the penitentiaries, common prisons, and for fortress incarceration, by way of instructions, for the district and magistrates' courts by the minister of justice.

Corporal punishment is excluded from the means of discipline in all places of punishment and prisons. The chaining of a prisoner is permitted only in case of special danger of flight, disobedience, or on similar grounds, by the superintendent of a place of punishment, when ordered by the ruling board of the institution or prison.

[Extract from the order of the King, August 23, 1879, regarding the execution of the law of February 23, 1879, in the law of the imperial court constitution.]

Personnel of service.—§ 27. The personnel of service consists, in case of state courts, of an adequate number of watchmen and messengers; in the magistrates' courts, a servant of the magistrate.

§ 28. A prison guard is appointed for each state court prison. The duty of a prison guard devolves upon the servant of the magistrate in the prisons of the magistrates' court. In the prisons of magistrates outside the seat of the magistrate court, as also in the prison of the magistrate's court in Munich, a servant of the magistrate court will be appointed as prison guard.

§ 30. The appointment of prison guard is made by royal orders, as also of servants of the magistrates' court. They are appointed subject to recall. We propose to permit suitable contributions for support, under provisions of the rules of service, for prison guards who have become incapable of service through age, sickness, and weakness, and to the servants of magistrates' courts, when they have served satisfactorily, as well as to their widows and orphans when they have not sufficient property of their own.

§ 31. The yearly salary of the prison guards in the prisons of state courts is 900 marks; that of the servants of the magistrates' courts, in two classes, 810 and 900 marks. * * * The prison guards of state court prisons, and those servants of magistrates' courts who are appointed prison guards, receive rent free. For supplying the wants of the prisoners the prison guards of the state court prisons and the servants of the magistrates' courts receive a regular fee.

§ 33. The prison guards wear as official uniform (and also the servants of magistrates' courts) a dark-blue coat with standing collar and two rows of white metal buttons, and a dark-blue cap with visor.

§ 34. In the magistrates' courts the servant of the magistrate may employ a suitable number of assistants, with consent of the superior magistrate who supervises the service, the servant of the court being responsible for the conduct of his aids. The employment of assistants may be recalled. * * * The employment of aids to the prison guards in the state court prisons is under our regulations of the minister of justice.

[House regulations for the prisons of courts, April 10, 1883. Royal state ministries of justice, of the interior, and of finances.]

I. REGULATIONS RELATING TO THE ORGANIZATION OF THE PRISONS OF COURTS.

Purpose of prisons of courts.—§ 1. The prisons of state courts and of magistrates' courts serve (1) for the reception of persons detained for examination, to whom belong, in the meaning of these regulations, also those persons who are provisionally arrested; (2) for executing penalties of commitment to prisons or durance (Haft), as well as for executing sentences or arrest by civil boards against persons on parole; (3) to execution of arrest for compulsion and security, and of the durance ordered according to § § 178, 182 of the law of organization of courts, of civil arrest, as well as of similar disciplinary punishments (civil durance). The prisons of the courts of magistrates will additionally be used according to existing rules for the reception of persons taken in charge by police, and for temporary shelter of prisoners who are transported.

§ 2. The prisoners on trial from the courts of magistrates and justices, those of the prisoners on trial against whom the public charge has not been removed or who must still come before the magistrate for preliminary hearing, and prisoners brought before magistrates, are received in the prisons of magistrates' courts. For reception of the other prisoners on trial the provincial court prisons (Landesgerichtsgefaengnisse) will be used. * * *

Officers and assistants.—§ 3. The administration in the prisons of courts will be in charge of the director of the prison and carried out by the prison guard and his assistants. In this definition the manager of the prison is counted among the guards.

§ 4. The affairs of direction belong to the first attorney of state in reference to the prisons of state courts and those which are at the same time courts of magistrates, and in case of the prisons of magistrates' courts which are also used as provincial courts the superior magistrate will direct.

§ 5. The director is charged with the duty of conducting and supervising the entire service of the prison. He issues the necessary instructions for carrying out the house regulations.

§ 6. The director is required to see to it that the regulations of the houses are carried out, that the treatment of the prisoners agrees with the law and the purpose of the incarceration, and that especially in the execution of the penalties which deprive of freedom, so far as consistent with its mode and duration, the furtherance of moral welfare and habituation to industry shall be promoted. He supervises the division of prisoners in the rooms used for confinement. He receives a daily report of the prison guard. Important events are reported to him immediately. He is to visit the prison at least twice a month at unexpected times. A record of visitations and instructions given is to be kept.

§ 7. The director is to take measures that the supplies of articles of use purchased at cost of the state shall be economically managed, that all materials for industry be carefully supervised and handled, and that the accounts of the guards are in proper order. He gives orders in respect to inventories of goods from time to time, and to repairs and additions of tools and utensils, clothing, and other needed articles.

§ 8. The director is required to give notice to the superior counsel of state (Oberstaatsanwalt) in respect to important events, as escapes, mutiny, suicide, contagious diseases, and urgent needs of buildings. In case of anything important happening to a prisoner the director is to give information to the board at whose order the prisoner is confined, unless the guard is required to give immediate notice himself.

§ 9. In those prisons of courts of magistrates which also serve permanently as auxiliary prisons for the provincial courts, the first attorney of state has the right to control the service. The necessary instructions in relation to service and order of the household will be formulated by the director in agreement with the first attorney of state. This latter officer must at least once in each quarter visit and inspect the prison. The presentation of the recommendations of the director to the superior attorney of state is made through him.

§ 10. For the provincial court prisons and for those prisons of magistrates' courts which serve as permanent auxiliaries of the provincial prisons special guards are to be appointed. In the other prisons of courts of magistrates the service of the prison guard is performed by a servant of the court of the magistrate. * * *

§ 11. (Provision for a substitute of the warden.)

Duties of the prison keepers (Gefängnisswärter).—§ 12. (1) The reception and release of the prisoners, decisions respecting the division of them in various rooms, and preparation of transport of the prisoners; (2) locking of the outer entrances to the prison, and of the halls and rooms; (3) immediate supervision of the prisoners; (4) care of cleanliness of the rooms, of the prisoners, clothing, and all furniture; (5) care for the employment of prisoners, acceptance of orders for labor and of materials used in labor, delivery of finished products and management of earnings; (6) execution of house orders; (7) care of sick convicts; (8) preservation of articles brought with the prisoner or given for him; (9) administration of the household and industry of the institution; (10) making of inventories of utensils, clothing, and tools; (11) direction of accounts, records, lists, reports, and recommendations. So far as the required orders and services are not at the direct expense of the state, the keeper must provide for them out of the indemnities fixed by law.

§ 13. Where there are assistants they will be employed with greatest advantage in matters mentioned in § 12. The warden assigns tasks and supervises their execution. He can employ them also in connection with his other duties. Where the warden is not present the assistants can do what is necessary and report.

§ 14. Hours of labor of assistants are not fixed. Enough force must always be present to perform the duties. Assistants may not absent themselves from the institution without informing the director, and he must know where they may be found, if outside. During the night the assistants who reside in the prison buildings may not be absent from them without permission of the warden.

§ 15. The prison assistants must conduct themselves in a sober and moral manner, must perform their duties with fidelity, industry, and order, and must be careful to further the objects of the prison in the sphere assigned them to the best of their powers. To this end they should seek to become familiar with the kinds of work carried on in the prison. In all their duties they must observe silence. They must obey the orders of the superior officer promptly. In relation to each other they must be peaceful and ready to help each other.

§ 16. Conduct in relation to prisoners: To these the officers must maintain a sober, earnest, but upright and friendly demeanor. In the treatment of prisoners the individuality, education, and civil position of the person must be considered. Partiality is strictly forbidden. All private communication of assistants and prisoners is forbidden. Especially under no pretext may an officer enter into transactions of buying, selling, lending with prisoners, nor receive any present from them. Nor may they employ the prisoners to their own advantage.

§ 17. The prison warden is responsible for disturbance of the order of the house which may be occasioned by members of their families, servants, or persons who come to visit them, or their relatives. They must see to it that no one belonging to their families have any intercourse with prisoners. The employment of servants or members of families in the institution is forbidden without consent of the director. It is permitted the wardens in prisons where assistants are not provided to employ members of the family for affairs which must be attended to, if they are suitable persons for this purpose. In such cases the warden is responsible for their management.

§ 18. The superior attorney of state, in the interest of security, may permit the wearing of weapons by the assistants.

Prison commissions.—§ 19. For every court prison there exists a prison commission, which consists of the director of the prison as president, the official physician, a financial official in correspondence with the superior attorney of state, and in case of the provincial court prisons, and of those which are magistrates' prisons, the prosecuting judge; in case of the magistrates' prisons and such as serve as auxiliary to provincial courts, the attorney of the magistrate. In case of magistrates' prisons, in special circumstances, instead of the magistrates' attorney another officer of the department of justice may be made a member of the prison commission. The official physician is, excepting in special instances, for the provincial court prisons the physician of the provincial court; for those magistrates' prisons which are situated at the residence of the district physician, this official will act; for the other magistrates' prisons the physician who is appointed as substitute of the district physician of the first class. In the provincial courts where several prosecuting judges are appointed the president determines which officer shall act on the commission. Also, if several attorneys belong to a magistrate's court the superior state attorney, in agreement with the provincial authority, chamber of inner affairs, shall appoint a member.

Duties.—§ 20. This prison commission supervises, without interfering with the state building board, the condition of the prison buildings and the inventory, as well as all branches of the prison service, measures of security, labor, health, preservation of furniture, and similar arrangements. It recommends measures relating to the economical management of the prison, the contracts for delivery of supplies at state cost, the repair of the furniture, the ordering of new materials, and the condemnation of articles no longer fit for use. It decides what forms of employment may be introduced into the institution, fixes the conditions of employing labor, accepts contracts with employers who continuously employ prisoners. It decides the rates of pay for the working prisoners to be paid out of the funds of labor reward, and makes rules in relation to permission of extra food.

Sessions and councils.—§ 21. The commission of prisons meets at least once in each quarter at call of the presiding officer, and makes investigation into the condition of the prison. The results of observations and counsels are entered in a minute book. When they are unable to agree, the president reports the fact to the superior attorney of state. The proposals in case of the magistrates' prisons which are used for provincial court prisons are from the hand of the first state attorney of the provincial court.

Medical service.—§ 22. The treatment of sick prisoners, the management of the necessary medical examinations, and the proposals of recommendations are in charge of the official physician. He must also supervise the condition of the prison and the service in respect to sanitary and hygienic requirements, and especially look to the execution of rules relating to cleanliness, ventilation, heating, the nature of the food, and the measures necessary to remove defects. To this end the appointed physician is to visit the institution under his care at least once each week. For smaller prisons once a month may be sufficient. In relation to matters affecting the order of the house the physician is subject to the director.

Supervision.—§ 23. The superior attorney of state exercises oversight of the prisons of the superior state district courts. He is to visit the prisons under his care from time to time, must take measures to remove defects, and lay before the royal ministry of state for justice the necessary reports and recommendations. He decides in respect to complaints against the acts of the prison directory.

REGULATIONS RELATING TO THE CONDUCT OF THE PRISON SERVICE AND ORDER OF THE HOUSE.

Reception of the Prisoner.

Order for reception and announcement of beginning of punishment.—§ 24. The reception of prisoners on trial or for punishment occurs only on the basis of a written order of a judge or attorney of state. Persons who are under order of punishment, even if the order of court has not yet reached the warden, shall be received upon showing a copy of the request.

Reception for execution of the disciplinary measures of §§ 1, 3 occurs upon written order of the director. For the reception of other civil prisoners the rules of § 2 of regulation of December 6, 1881, are decisive. Prisoners from the police or those sent forward by police are to be received on order of police or forwarding authorities.

Prisoners who are delivered by a public board or by organs of the police and security service are received without written order. Reception in such cases is merely provisional and must at once be reported to the director. The director decides whether the prisoner shall be retained in confinement and he will secure a decision of the proper board. In case of prisoners who are forwarded (Schubgefangene) who are delivered with certificate of transport the information is simply to declare whether the warden has received the order of reception of the authority after lapse of the customary time. The reception of persons who are brought for punishment is not permissible before 7 in the morning and after 7 in the evening. The warden is to assure himself that the person announced is the same as the one who is to undergo the punishment. To this end a personal description is to accompany the order of execution of sentence.

Sick persons and women with child.—§ 23. Persons afflicted with epidemic diseases shall not be taken into prisons. Women who are with child shall not be received when the information of the official physician declares that the confinement will occur during the sentence, or, in her condition, will bring with it effects which make imprisonment unsuitable.

Children of prisoners.—§ 26. It is not permitted prisoners to bring children with them into prison. The only exception is in case of sucklings, which can not be separated from the mother. If in other cases children are brought with their parents they are to be retained only until the police can be notified to provide for them elsewhere.

Examination of prisoners—Cleanliness.—§ 27. At the reception of a prisoner his person and his belongings, unless there is reason for an exception, shall be thoroughly examined. Where practicable a special room for such examinations and reception shall be set apart. The examination of female prisoners in the provincial prisons of the Pfalz is made by a woman supervisor, and in other prisons by a suitable woman. The warden shall assign this task when practicable to his wife or other suitable member of his household. The prisoners are required when necessary to cleanse their bodies. Prisoners with vermin must be subjected to thorough cleansing.

During the incarceration all unnecessary articles, and especially valuables, papers, superfluous clothing, tools which might aid escape, and writing materials, shall be taken away from the prisoner. In case of persons under examination for trial the director may order that the prisoner may retain certain articles which serve the convenience of persons of his social standing. A careful description shall be made and entered in the record of each person received for trial. Sick prisoners and women with child are to be examined by the physician soon after reception.

Preservation of property of prisoners.—§ 28. Articles taken from prisoners and held by the institution shall be listed. The prisoner is to be shown the list for his signature. In case of persons on trial, the articles brought with them are to be entered with a number and reported. These articles shall be preserved, after the process of cleansing, in a special room. Care must be taken to prevent loss, injury, and interchange. Money, valuable papers, and jewels must be kept under secure lock. Where needful the director may ask immediate protection of such property by a court.

Instructions.—§ 29. After the inspection the prisoner is to be informed that he will find the more important rules of order in his room. When needful he will be taught their meaning.

List of prisoners and notices.—§ 30. The names of prisoners as received will be recorded in the prison list. For certain prisoners the term of incarceration is at once entered. * * * The time begins with entrance into the prison, unless there is some other order. The reception of persons on trial is announced to the judge or state's attorney who has issued the order, or to a magistrate. A notice will be given to the board which has issued the order in relation to the reception of a prisoner for punishment, and in this notice the term as reckoned by the warden will be written. Similar record is made in case of disciplinary punishments. The reception of prisoners from the police is announced to the proper board. On this notification the number of the prisoner and of his room will be written. In case a person ordered for punishment has not entered upon it in accordance with the order, notice thereof is to be sent to the board which issued the order.

Reception and separation of the prisoners.—§ 31. These principles regulate the division of the prisoners in the cells: (1) Prisoners of different sex may never be brought together in the same room; (2) youthful offenders (§ 57, Penal Code) are to be separated as far as practicable from adults; (3) civil sentences are served in a room in which persons on trial or convicts for crime are not placed at the same time; (4) in general the prisoners, so far as possible, are to be separated according to the kind of sentence (on trial, simple incarceration, punishment by confinement according to § 362 of Penal Code, common prison sentence, police supervision). In the prisons which serve for the reception of persons under police control special rooms are to be set apart for police cases, in understanding with the district court. So long as these rooms are not occupied by prisoners of this class their occupation by other prisoners is not prohibited.

Separation of prisoners on trial.—§ 32. Such persons, so far as possible, are to be held in separate cells. Accomplices are to be kept as far apart as possible.

Separation of others.—§ 33. In all cases isolation may be applied. Where it is feasible, persons who desire it may be assigned separate cells. Prisoners who are likely to exercise a bad influence on others, or are disposed to stir them to excesses, shall be isolated as far as practicable.

Incarceration in common.—§ 34. The cells assigned for common occupation should not contain more than three persons. It is forbidden to place two youthful offenders or a youthful offender with an adult in one room. Consideration must be had for age, social position, and education in the selection of persons assigned to the same room. Particular care must be given to the selection when it is impossible to avoid placing youths and adults together, and in this case the director's consent must be asked.

CONDUCT OF PRISONERS—DISCIPLINE.

Obedience—Respectful demeanor.—§ 45. Every prisoner is required to observe the regulations of the house, to meet the officers and attendants with politeness, to render to their orders obedience, and be careful to conduct themselves with good behavior. All singing, whistling, shouting, and crying are forbidden.

Intercourse.—§ 46. Prisoners who are kept separate may not communicate with other prisoners by writing, calling, knocking, etc. It is forbidden them, without permission, to communicate with persons outside the prison or with strangers who enter the prison, or to receive anything from them.

Possession of articles.—§ 47. No prisoner is permitted to retain in his room anything which he has not express permission to have. Especially the possession of money, knives, files, hammers, and similar tools, as well as writing materials, is forbidden.

Trade, presents, etc.—§ 48. All trading, especially with clothes and food, and all lending, giving and receiving of presents between the prisoners, or from officers and their relatives are forbidden.

Gambling; spirits; tobacco.—§ 49. Playing cards, dice, and the like games, and the use of spirits and tobacco are forbidden. The smoking of tobacco is permitted only under special circumstances by the director. Snuff taking is permitted to those who have the habit, if cleanliness is observed.

Leaving a place assigned.—§ 50. Without permission the prisoner may not leave the room assigned him or the place of labor or eating or change his place of resting. When several prisoners are taken out in rank they must remain in the order fixed.

Conduct in community.—§ 51. Prisoners kept in community confinement must maintain peace and quiet. Teasing, strife, reproach, attacks, disturbance of others at work, at prayer, at reading, or at rest, are forbidden.

Forbidden associations—Control of others.—§ 52. Every secret association among the convicts is forbidden. No prisoner may act imperiously toward others nor give them orders. No prisoner may act as representative or advocate of another.

Rising, cleansing of person and clothing.—§ 53. The prisoner must in the morning, as soon as the sign is given, rise at once from bed, place the bed in order, wash hands and face, rinse the mouth, comb the hair, brush his clothes and put them on. Where the work is dirty the hands must be washed before eating. In the evening the prisoners must lie down at the appointed time. The director may excuse civil prisoners from the rule about rising and retiring.

Cleaning the cell.—§ 54. Prisoners, unless excused by the director, are obliged to clean the cell and its furniture. Civil prisoners are excused from this obligation.

Prohibition of injury.—§ 55. The prisoner must refrain from injuring or making unclean the cell or its furniture. He must avoid injuring and must keep in order clothing, bedding, tools, and materials for work. For injuries arising from viciousness, obstinacy, or neglect restitution must be made. Vicious or obstinate conduct will be punished.

Calling in help.—§ 56. If a prisoner requires help, he must use the means appointed, or knock on the door of his cell, or call; but a misuse of means will be punished.

Petitions and complaints.—§ 57. These must be brought to the attention of the director through the warden or at times of visitations. Repeated and unfounded complaints are punishable.

Persons on trial (Untersuchungsgefaengene).—§ 97. In handling persons on trial it must be understood that deprivation of freedom is not punishment. Conveniences and occupations which are suitable to the social status and means of the persons under trial they may obtain at their own cost, so far as is consistent with the condition of restraint of liberty and the order and safety of the institution. (Code of Procedure, § 116, 3.) The rules of order are applied to such persons only so far as other rules are not legally given by a judge. Disciplinary punishments are to be applied only by act of the judge. By "judge" is to be understood the examining judge up to the time of opening the principal process; if a preliminary trial has not been begun or is intrusted to a magistrate, it is the magistrate; and after the opening of the principal process the presiding judge of the court of jurisdiction. The rules for treatment of persons on trial are valid for persons on trial who are being transported and are temporarily in a prison of a court. In such cases the director of the prison gives orders.

Convicts and persons deprived of liberty.—§ 98. Prisoners who are serving sentence under § 362 of the Penal Code undergo a more severe treatment when they have served a previous sentence or been in a penitentiary, or when they have committed an offense on purpose to secure lodging in a prison, or when on other grounds they require more severe handling. The proper measures will be ordered by the director. Such persons are to be kept at labor, and of a severe kind, during the entire labor time, and particularly with housework. They are not to be employed in open courts unless there is not enough work for them inside the prison. They may not be employed outside the prison. Permission to earn money for additional food or snuff shall be given them only exceptionally for good conduct, and not more than one day of a week. During the first week they are not permitted to exercise outdoors. If they break prison rules the disciplinary punishments preferred are diminution of food, simple and intensified arrest.

§ 99. Persons of the released class under punishment shall have applied to them the regulations of §§ 24 to 26 of the Military Penal Code. (These rules require cellular confinement; three grades of arrest, dark cell, and diminution of food being employed.)

LOCKING AND SECURITY OF THE PRISON—HOUSE POLICE.

Locking.—§ 35. The entrances to the prison buildings, the doors which separate the divisions of the prison and of the separate cells, and the small doors in the great doors must be kept locked. Only during the time which the prisoner spends in the open air and during the cleansing, which is supervised by the assistants, may the doors remain open. The doors to stoves and chimneys are at once to be closed after use in heating. The keys must be guarded with special caution. They may never be left in the lock nor lying down, and much less intrusted to a prisoner, even to carry to an officer or assistant.

Prevention of escape.—§ 36. In the use of ladders, ropes, and other articles which may be used for escape the greatest care must be observed. In piling wood in the court it must be provided that means of escape shall not be furnished.

Visitation in the rooms of incarceration.—§ 37. The prison attendants must make themselves sure that the window bars, covers, walls, floors, stoves, and utensils are not injured, and for this end must visit all places daily at different times. They must see that the prisoners are not in possession of articles which can be used to assist in attacks on officers or to aid flight, and that such things are not concealed in cracks, utensils, bedding, or clothing, and that no preparations for flight have been made. When prisoners are chained it must be noticed whether the chains are whole. For such visitations the best time is when the prisoner is absent. Clothing of female prisoners must be inspected by women. The attendants must satisfy themselves in the evening, at the end of the day's order, and every morning that the prisoners intrusted to their guard are present. If prisoners are suspected of having plans of escape, they must be inspected at night one or more times. In prisons where there are more than two assistants there is to be a regular night watch, unless the superior state counselor for special reasons makes an exception.

Preventing forbidden intercourse.—§ 38. The attendants must be careful to see that the prisoners who should be kept apart do not talk with each other, and that prisoners do not communicate with persons outside by calls or signs.

§ 39. Prisoners who give evidence of being dangerous must be kept under careful observation. In such cases the clothing may be taken away at night, and, if it is necessary for the protection of the attendants or other prisoners, or if a prisoner has made plans to escape, chains may be laid on him. Chaining is also permitted when the prisoner has made attempts or plans of suicide. When a convict actually resists officers or rages and shouts, chains or strait-jacket may be employed.

§ 40. Where measures of the kind just mentioned must be employed the attendant must at once secure the approval of the director; in trial prisons, of the judge.

§ 41. The prison officers are authorized to use weapons (1) when an attack is made upon the attendant or upon another person, or when one is threatened with an assault, and there are no other means of preventing it; (2) when a prisoner attempts to escape and resists the officer or threatens him; (3) when a prisoner takes up a tool which might serve for attack and refuses to lay it down when ordered to do so. The use of weapons may not be extended beyond the necessity of overcoming opposition or to ward off attacks.

§ 42. If a prisoner escapes, he must be followed as quickly as possible. To this end the police are to be notified at once by the attendant and a personal description is furnished.

Conduct in case of fire.—§ 43. The first care must be, if the fire can not at once be extinguished, to call for help and to rescue the prisoners. Prisoners who will not probably attempt to run away may be set at liberty. Those who would probably run away must be guarded as far as possible. Chains may be used to prevent escape.

Notice of unusual events.—§ 44. The director must be informed of attempts at flight, escapes, assaults, serious acts of bad conduct or wounds, discovery of a plot or of dangerous tools in the possession of a prisoner, suicide, fire, and other accidents. If weapons are used, the fact must at once be reported. Unusual events which happen to prisoners under trial are to be reported to the judge.

Visits.—§ 88. Visits from persons who have no official relations with prisoners may be permitted to see them only by special permission of the judge (for persons on trial) or of the director (for other prisoners). First there must be assurance that there is no cause for doubt in reference to the person. Visits to convicts are permitted only on very serious grounds. Permission is written and states the time allowed for interview. Visits are to be made, not in the cells, but in rooms used for the purpose, by preference those employed for judicial examinations or the office of the warden. Sick prisoners may be permitted to receive visits in the infirmary. Conversation of the prisoner may be held only in presence of persons designated by the court, if it is a person on trial, or of an attendant, in case of ordinary prisoners and what is said must be heard by the person present. Visits to civil prisoners may be made without the presence of a witness. The visitor may not, without permission, give or receive anything. If the privilege is abused by improper conversation or conduct, the visitor is at once required to leave, and the prisoner may afterwards be refused this privilege. Oral communication with an advocate is permitted to persons on trial. The director decides time and place. So long as the principal process has not yet been opened, visits are permitted only after the judge has decided whether a witness shall be present at conversation. (§ 148 of Criminal Procedure.)

Communications.—§ 89. If a person under examination or another prisoner on trial requests a hearing through the judge, the judge is at once to be informed; or if a prisoner in a trial asks for an explanation or a motion through the clerk of court, especially if he wishes to offer a legal statement (complaint, appeal, revision) against a decision, or to give an explanation in respect to such legal measure, he shall instantly have a hearing of the clerk of court.

Letters.—§ 90. Exchange of letters with outside persons is permitted to persons on trial only by permission of the judge; to other prisoners by permission of the director. Without permission writing materials are not given prisoners. Cost of paper and postage is met out of the share of the prisoner in the fund of reward of labor. Letters and parcels received for the prisoner are taken in charge by the warden unless the director orders otherwise. Receipts for such articles are given by the warden.

§ 91. All conveyance of articles to a prisoner must be in presence of an attendant. When parcels are charged with postage due or other costs, they are to be refused unless the prisoner previous to opening declares himself ready to pay the cost and shows that he is able to do so. The credited fund for work may be used for such payments. Parcels received are to be laid unopened before the director or judge. Letters received or sent are subject to such inspection. Letters are delivered to prisoners or sent away from them only when the contents give no reason for doubt. To ordinary prisoners frequent exchange of letters is not permitted. Permission of director or judge must be marked on the letter. Letters received but not given to the prisoner are to be preserved until his discharge. The letters which may be given to the prisoner are left with him only upon permission of director or judge; if no permission is given to retain them they are to be taken from him after he has read them and are to be preserved for him. Letters sent by persons on trial to the court or board of supervision are not examined by the judge. In case of abuse of privilege it may be withdrawn.

Written communication with advocates is permitted to persons on trial. So long as the principal process is not yet opened the decision of the judge must be had whether written communications of prisoner or advocate shall be sent back when the judge has not seen them. (§ 148, 2, Code of Criminal Procedure.) No control of correspondence of civil prisoners is required. Writing materials are to be furnished them.

DISCIPLINARY MEASURES.

§ 58. As disciplinary means may be used: (1) Admonition; (2) withdrawal of reading matter, exercise outside up to one week; (3) removal of permission to use extra earnings of overtime for food or snuff or to provide his own food up to six weeks; (4) reduction of food by restriction of warm food to one midday soup without meat up to two weeks, or withdrawal of half the bread portion for one week, or restriction to bread and water every other day for one week; (5) arrest, consisting of solitary confinement with or without a task up to two weeks. This arrest may be sharpened by reduction of food, withdrawal of bed, darkening of cell, but it is provided that on every fourth day the ordinary bed will be used and light restored; if food is reduced in addition to other modes of increasing the punishment, the ordinary diet is given. Several punishments may be joined. Corporal punishment is forbidden. Chaining and strait-jacket as disciplinary punishments are forbidden.

Management of discipline.—§ 59. Management of disciplinary measures belongs to the director; in case of prisoners on trial, to the judge. The prisoner is to be heard before the order for punishment. Before order for increase of penalty the prisoner and the witnesses must be heard, and the physician must give judgment whether the person can endure the punishment. If there is reason to fear evil consequences even from reducing the food the physician must give his opinion. The order must be recorded and orally communicated to the prisoner. The prisoner may enter his complaint, but the punishment will not be deferred. Disciplinary punishments will be recorded in a book. The recorded items will be preserved by number by the director and written in the punishment book.

INDUSTRY.

General rules.—§ 72. In the judicial prisons care must be taken to provide occupation for the convicts. Work required by the house itself will be done by prisoners. So also the preparation of clothing, and repairing of clothing, underclothing, and utensils shall be done by prisoners as far as possible. In all state prisons, in magistrates' prisons which are used for permanent state prisons, and as far as feasible in the other magistrates' prisons, work consistent with order and not injurious to health shall be introduced. In the court prisons work shall be done only on orders. Exceptions are permitted only upon order of the royal minister of justice. Materials usually will be supplied by the one who gives orders. For damages and losses to the materials or implements supplied, if they occur through bad temper, heedlessness or awkwardness of prisoners or attendants, indemnity will be paid, with right of redress. Continuous employment will be secured as far as possible by contract with managers.

Work outside the prison.—§ 73. Work under regulation may be permitted outside, but prisoners must be kept apart from other workmen. Such outside employment of prisoners requires the consent of the royal minister of justice. The employment of prisoners to carry goods into or out of the institution may be ordered by the director, if attention is not called to the acts.

Employment.—§ 74. Prisoners in the common prison may be employed at any work suited to them; at their request they may be so employed. Prisoners confined under § 361 of the Penal Code may be set at suitable work, and this may not be of necessity in trades to which they are accustomed. * * * Persons of this class can only exceptionally be excused from labor by the director. Other prisoners may not be compelled to labor, but at their own request they may be employed at work carried on in the prison. Prisoners on trial can be employed only with consent of the judge. The assignment of work is made by the director. The preferences of prisoners are to be considered. The director decides whether the form of labor is suited to the prisoner. Work which requires tools which may be used to aid escape shall be given only to prisoners who are not likely to attempt escape. In work outside the institution only those prisoners are to be employed who are not likely to seek to escape nor to have forbidden intercourse with strangers. Prisoners under § 362, 1 of Penal Code are not to be employed on such work. Burdens shall be carried outside only by male adults.

Labor hours; supervision.—§ 75. The hours of daily labor in the months of November, December, January, and February shall not exceed nine hours, and in other months ten hours. Every prisoner has a task assigned him which he is to finish in the time. When this is completed he is not free to be idle the other hours. Labor will be supervised by attendants. Prisoners outside must be accompanied by an attendant and continuously watched. The working prisoners must give prompt obedience to the orders of the guards. Prisoners may not be appointed to supervise other prisoners. Male and female prisoners may not be permitted to work together in the yards or outside. At the close of work all tools, materials, and products of labor will be taken from the prisoners. The director may permit these articles to remain in the cells to a suitable time.

Days of rest.—§ 76. On Sundays and general holidays all compulsory labor ceases, with the exception of necessary housework. Prisoners of Jewish birth may rest on their Sabbath and on the following holidays of their confession: Passover (two days), Feast of Weeks (two days), New Year (two days), Feast of Atonement (one day), Feast of Tabernacles (two days). Prisoners who are legally free to rest may work on rest days if they do so without disturbing others.

Product.—§ 77. The product of labor flows into the treasury of the reward of labor. The money must be kept apart from that which belongs to the wardens. Out of this fund shall be paid the cost of the industry, materials, utensils, and implements, etc. After such deductions the net balance shall be kept apart for reward of the work of prisoners, part for the wardens for their work in directing the labor and keeping accounts, and the remainder to the fund of the prison for other use.

Shares of the prisoners.—§ 78. A part of the reward fund will be credited to each prisoner. Work for the institution may also be credited. Work done under disciplinary punishment receives no credit. The prison commission makes a rate sheet fixing the division of the fund. In case of piecework the reward is according to task, and in other cases according to time. In fixing the rates the principle is fixed that no more than 40 per cent of the net product shall be set apart for labor reward, and that not more than 25 pfennig shall be paid for a day's work of nine or ten hours of labor of ordinary skill and industry. Where the reward is set for time work the warden is to credit reward by the value of the labor, but the prisoner may appeal to the director. The product is measured at the time it is taken from the prisoner and his credit is told him. The rate sheet is to be posted up in each cell, and the notice must state the rate for work done by time. Rates not stated in the sheets are to be fixed by the director on the same principles.

Application of the credited sum.—§ 79. Prisoners who are not obliged to work may use the sum credited for extra food. It is permitted, by consent of the director, to let the others use half their credit for this purpose. Those who use snuff may employ their earnings in this way, under the same conditions. * * * Cost for damages arising from vicious acts, obstinacy, or neglect, or for use in flight, must be covered by these credits. At the close of every month and at discharge the account will be given to each prisoner. In case of doubt the director decides. When a prisoner is discharged he receives what is left to his credit, and if he is delivered to another board the sum is sent to that board.

Share of the warden.—§ 80. The share of the warden is determined according to the annual net income. The share of the warden of the magistrates' prisons, in which there are no assistants, is 50 per cent of a net income up to 500 marks, and of any further net income up to 1,000 marks, 20 per cent, and above that 10 per cent. For the other assistants, 20 per cent in net income up to 500 marks, up to 1,000 marks 10 per cent, and above that 5 per cent. At the end of each month the warden may take a twelfth part of the probable product according to the reckonings, and in agreement with the director. At the end of the year the share is to be determined and the remainder due is to be taken, or if too much has been taken out it must be paid back.

Work fund.—§ 81. At the close of each quarter the remainder of net income is delivered to the income officer to credit of work fund; but a sufficient sum must be retained for the supplies of industry, in agreement of director with the fiscal officer. In the larger prisons with important industries the director, in agreement with the fiscal officer, may order monthly settlements.

The work fund serves primarily as a reserve for indemnities and losses which occur in the process of industry; the remainder is kept for the reward of assistants for special services in the industry, partly for furthering the work in the court prisons and for the improvement of appliances used in the industry. Control of the work fund belongs to the royal ministry of justice, in agreement with the royal ministry of finance. For the purpose of rewarding the assistants a sum will be placed at the disposal of the superior counselor of state, and from this sum, on the recommendation of the director, rewards will be paid at suitable times.

§ 82. Assistants who have previously received sums out of the net income may be permitted still to draw from the fund.

Voluntary occupation.—§ 83. It is permitted to prisoners who are not compelled to labor at the occupations carried on in the prison to choose employment of their own. They must select work which will not conflict with the order of the institution. The director decides for the ordinary prisoner and the judge for persons on trial.

HEALTH.

Order and cleanliness.—§ 60. Order and cleanliness must reign in all rooms of the prison. A number must be fixed upon the door of each cell. The furniture of each cell must be kept in good order. Cells, work rooms, and sleeping rooms are to be scrubbed at least once a week and as often as required for cleanliness. Where walls are marred or made unclean they must be made right at once. Rooms must always be thoroughly ventilated. Disinfection must be employed as needed. The night vessel must be carried out and cleansed every day.

Heating.—§ 61. On cold days the cells are to be warmed so far as required by the health of the convicts, regard being had for the season, weather, and structure of the building.

§ 62. In the prisons where arrangements are made to light cells, they will be lighted during the time of darkness, so far as house order permits. Lighting will not continue after 8 p. m. nor begin before 5.30 a. m. Exceptionally the director may permit lighting cells, at the request of prisoners, even where a general system does not exist, but not after 10 p. m. Means of building fires are not permitted in cells as a rule. In large prisons the stairs and passages are to be lighted during the dark hours.

Supervision of fire and light.—§ 63. Every evening at close of the day's order an attendant must see that fire in the kitchen and cells, if there is any, is extinguished. He must also be certain that lights are extinguished in cells.

Bedding.—§ 64. A separate bed is given to each prisoner. If mattresses are not present, or if care must be taken to keep a bed clean, straw sacks may be used. Bedding which may be used to help escape is not permitted prisoners who are thought to be planning flight. Bedsteads which are arranged for the purpose will be fastened to the wall during the day; in other cases the bedding, if possible, will be taken out doors. A judge may permit a prisoner on trial to furnish his own bedding. In exceptional cases the same favor may be shown prisoners sentenced to short term. Civil prisoners may furnish their own bed. Where the circumstances permit, convicts in congregate rooms may be assigned separate cells.

Clothing.—§ 65. As a rule the prisoners wear their own clothing and underclothing so far as they are clean and sufficient. Not more than one complete suit is permitted. Prisoners on trial may, upon order of a judge, be obliged to wear prison clothing even if their own clothing is adequate. Prisoners who have not sufficient clothing will be provided by the prison. For use at work, clothing may be furnished others. When the judge requires it the prisoner is to be brought before him in the clothing which he wore when he was sentenced. A towel is furnished each prisoner.

§ 66. The underclothing and towels of prisoners are to be changed each week; the bedding once a month. The clothing which can be washed shall be cleaned as often as required. The woolen articles are to be beaten in the open air at least once a month, and from time to time fulled. The straw ticks must be filled afresh as often as necessary. The ticks are to be washed as often as required for cleanliness. The cleansing of clothing of prisoners must be done within the prison or under care of the warden. Clothing used by one prisoner must be washed before it can be used by another. Bedding, if not clean, must be washed before it is given out again. Defective pieces must be repaired. Articles of clothing not in use must be kept in dry, well-ventilated rooms.

Food.—§ 67. The prisoners receive food according to regulated diet. Food materials must be of good quality. For drinking, only water is supplied. This is given fresh to the prisoners three times a day. Prisoners who can not, according to advice of the physician, endure the prison diet on account of their bodily condition or previous habits, receive a diet prescribed by the director as they need. The regulations of sick diet are to be observed. The facts will be entered in a book used for the purpose.

Provision by the prisoner himself.—§ 68. It may be permitted to prisoners on trial, to those on short sentences, civil prisoners, and police cases, which have not been referred to the state police, to furnish their own food. This concession is granted by the director, or, in case of the prisoner on trial, by the judge. The privilege may be withdrawn in case of abuse. To other prisoners, especially to prisoners on longer sentences, this privilege is not given. Food must be within the limits of moderate enjoyment. Spirituous drinks may not exceed 1 liter of beer or one-half liter of wine per day. Strong drink is forbidden. To prisoners for serious offenses all spirituous drinks are forbidden. Food is usually to be supplied from a source designated by the director. It is forbidden the warden to provide supplies on his own account. Exceptionally may prisoners to whom this privilege is accorded also be granted permission to provide for themselves articles not included in the regular diet. * * * Articles brought from without, together with the vessels in which they are conveyed, are to be thoroughly examined, and baked foods are to be cut open.

Dishes.—§ 69. Dishes used by prisoners for food and drink are to be kept clean. * * * Prisoners are to use knife and fork in eating flesh, unless there is danger of abuse. Where these utensils are forbidden the meat must be cut fine when served. Dishes must be removed from the cell immediately after meal time.

Supplementary diet.—§ 70. Prisoners who are permitted to supply their own food may pay for extra dishes out of their reward of labor. Sale or supply of food must be through the warden. In each prison a list of permitted food must be set up with a rate of prices. This is done by the superior counsellor of state on the motion of the prison commission. Beer may not be granted beyond one-half liter per day.

Hair cutting and shaving.—§ 71. Hair and beard of male prisoners shall be cut as often as necessary. Prisoners may be shaved once a week if they desire or cleanliness requires. In the case of prisoners on trial hair and beard must remain as at arrest, unless the judge decides otherwise. No prisoner, without express permission, shall be in possession of a razor.

Exercise in the open air.—§ 84. Prisoners in health are to be given exercise in the open air daily from one-half to one hour when they are not already employed outdoors, or not liable to seek to escape, or are not under disciplinary punishment which interferes with outdoor exercise, and when the weather permits. The director determines for prisoners who are likely to try to escape, and the judge decides for persons on trial. When it is impracticable to permit all to exercise at once, then they must be divided in companies, and those prisoners are to be given the preference who have the longest terms of sentence. During the stay outdoors all prisoners must be guarded. Prisoners of different sex must not be brought together. Persons on trial must not be brought in contact with prisoners from whom they should be separated in cells, unless the judge permits an exception. Exercise in the open air must not be before daylight nor after dark, nor in hot summer days between 12 and 3 o'clock.

Order of the day.—§ 85. In every prison the time of rising, retiring, and eating is fixed by rules. The time for housework, labor in shop or cell, and exercise in the open air must be fixed by rule. The time between beginning and close of labor must be interrupted in a proper manner by exercise and meal times. Period for rest may also be fixed. Regular work does not extend beyond 7 p. m. The order of the day is posted in each cell.

Sickness.—§ 92. Prisoners who think they need a physician report the fact to the physician. In serious attacks the official physician is called, and in very urgent cases when he is not at hand another may be called. In cases of suspicion, information is given the director or judge, or in case of prisoners in transit to the forwarding board. Where death seems imminent a clergyman should be called. Persons on trial may, with consent of judge, employ a physician of their choice at their own cost. This privilege may be extended to other prisoners by the director. Sick prisoners are to be treated in special rooms if practicable, and these rooms should be adapted to the purpose so far as possible. Prisoners who are isolated may be treated in their own cells. The rooms of confinement of sick prisoners may be lighted upon request of the official physician during the dark hours. The medical orders are to be carefully followed. Their execution lies with the attendants. The medicines prescribed shall be entered in a dispensary book. The food supplied the sick must be regulated by the sick diet. These orders are recorded.

For nursing sick prisoners, on order of the director suitable prisoners of the same sex may be employed, either those employed at housework or those who volunteer. Persons on trial may be so employed only with consent of the judge. Persons on trial may be served by persons who are isolated only by consent of the court. Prisoners thus employed as nurses may receive a credit for at most 20 pfennig a day, which may all be used to procure additional food. If the attendants and prisoners can not furnish such service, outside nurses may be employed by the director. In case of communicable diseases such outside nurses must be employed when no suitable prisoner volunteers for the purpose. Sick prisoners may be sent to hospitals if the director thinks it proper and safe. The order must be communicated to the board charged with execution of the law. If a prisoner must be removed from the prison on account of sickness the board which sentenced him must at once be informed.

Births and deaths.—§ 93. Births and deaths which occur in prison are to be reported to the registering office. * * * In cases of deaths the police of the place where the prison is, and in countries on the right of the Rhine, also the probate court, must be notified. In case of death the board is to be notified on whose order the prisoner was sent to the prison. A child born in prison is, as soon as practicable, to be sent to the family or the local police for care. The relatives of the deceased prisoner are to be informed. At their request the body is given to them. If they do not provide for burial, the local police must care for it in simple fashion.

EDUCATION.

§ 86. Interviews with the clergyman may not be refused any prisoner. Opportunity to enjoy sacraments must be given in the prison on request. Where a clergyman makes regular visits, special times shall be arranged between the director and the clergyman. In addition to these times the clergyman may have access to the prisoner at any time. Restrictions may be made by the judge in case of persons on trial. The clergyman is subject to rules of order made by the director. When a service is held of the confession to which any prisoner belongs he is required to attend unless he is sick or excused by the director. Persons on trial may attend such common service only by permission of the judge. Attendance of other prisoners is optional. Separation of sexes is required. It is permissible for Jewish prisoners, where the room will allow, to hold devotional services on their Sabbath and holidays. * * *

Reading.—§ 87. In the delivery of books consideration must be had for the individuality and wishes of the prisoner. There must be control of the circulation. The attendants must see that the books are not damaged. Prisoners in common rooms are to be encouraged to read aloud to each other at the hours designated. The superior counsellors of state may make further regulations. The director may permit the reading of books which do not belong to the library.

DISCHARGED PRISONERS.

Directions for discharge.—§ 94. The discharge or delivery of a person on trial shall not occur without written order of judge or state's counsel. Prisoners under sentence may not be discharged or delivered before the expiration of the term except upon a special order, and in this order the reasons must be given. After expiration of term prisoners may be released by the warden without special order, or a prisoner may be delivered over to an officer charged by a board with this duty. If a convict is sent to a hospital before expiration of sentence the time passed in the infirmary counts upon his term, unless there is a judicial order to the contrary. (§ 493 of Code of Procedure.) If the end of term falls after 7 in the evening, the prisoner may be released or may remain till morning upon his request. A written notice is to be given of the discharge or delivery of a person on trial and of a convict, and attached to the order if one is made. The prescribed rules of disciplinary punishments apply in case of discharged persons. The rules for civil cases must be followed. * * * Police prisoners are discharged on order of the police board. Notice is attached to order. Forwarded prisoners are delivered to the officer charged with duty of transportation on order of the forwarding board.

Return of effects of prisoner, clothing, certificate.—§ 95. Clothing, money, share of labor reward, so far as not used up, will be given to the prisoner upon discharge, and receipt taken. A prisoner to be delivered over will, if his clothes are fit for use, be clothed in them; his money and other effects will be transferred to the board which receives him or to the administrators of a prison or workhouse to which he is sent. Prisoners whose clothing is not sufficient for health or propriety must be properly provided before discharge or delivery. If clothing is damaged and yet capable of repair, the repairs must be made in good time before discharge. When possible the mending must be done by prisoners. In case of prisoners from courts who are set free or sent forward by officers of transportation, the duty of providing clothing falls to the director, and in case of police arrests or forwarded persons to the police or forwarding board. The warden, if the clothing of a prisoner is defective, must give notice in order to procure the necessary order. At discharge the prisoner on his request is to be furnished by the direction with a certificate stating the ground and termination of the imprisonment. In case of criminal offenses the offense for which the punishment was inflicted must be stated in the certificate.

Transportation.—§ 96. If there is any ground for doubt whether a prisoner should be transported, or if he objects, a medical examination shall be made. When a prisoner is delivered over to the officers of transportation a paper must be given showing that the prisoner is free from vermin and skin diseases.

SAXONY.

SUPERIOR CONTROL.

The Saxon system may be taken as typical of German States. It is under the same Imperial Penal Code, Code of Procedure, and supreme court as the other States of the Empire. It has its ministries over various departments. Control over penal and correctional institutions is exercised (1) by regulations; (2) by requirements of reports according to a uniform system, upon the basis of books and records kept in a certain prescribed form; (3) by visits of inspection through persons officially authorized by the ministry.

SOURCES.—Hausordnung für die Landes-, Straf- und Korrektions-Anstalten. Eingeführt durch Ministerial-Verordnung vom Juni 1899, a copy of which was kindly sent me by the ministry at the instance of Privy Councillor Professor Dr. A. Wach, Rector of the University of Leipsic, to whom also I owe many valuable suggestions.

CONSTITUTION AND ADMINISTRATION OF THE INSTITUTIONS.

Purpose of the institutions.—§ 1. 1. *Purpose of the state penal institutions.*—(*a*) Execution of sentences to the penitentiary (Zuchthaus) and of the longer sentences to ordinary prisons (Gefängniss); (*b*) moral improvement of the prisoners.

2. *Purpose of the state correctional institutions.*—(*a*) Execution of the correctional sentence; (*b*) moral improvement of the prisoners.

Relations of the authorities.—§ 2. 1. *Supervisory board.*—The state penal and correctional institutions stand directly under the ministry of the interior, which will send commissioners at least once a year to inspect the institutions.

2. *Competence of the ministry of justice.*—Through commissioners the ministry of justice will secure information in relation to the methods of securing the ends of punishment in the penal institutions.

3. *Information and complaints of prisoners before the commissioners.*—Every time a commissioner of the ministry of the interior or of justice is present in the institution, the fact shall at once be made known to all the prisoners, unless the commissioner himself has given a different order. Any prisoner may request a hearing before the visiting commissioner.

Officers of the administration at the institution.—§ 2. 1. *Direction.*—The immediate conduct of the institution and its representation without is exclusively in the hands of the director. It is the duty of the director to administer the affairs of the institution according to the regulations and directions of the ministry of the interior in general according to his own judgment, with responsibility to the ministry, to maintain supervision over the institution most carefully, to regulate the various branches of the service and administration so far as this is not done by orders of the ministry, to watch the conduct of all officers and servants, and to maintain a vigorous and effective cooperation of all. The director decides all questions under the rules of the ministry. If the director is hindered from performing his duties a representative is appointed.

2. *Superior officers.*—The officers are not members of the direction, but are responsible for the work of their special branches and may offer counsel and advice. The director is ordinarily required, before he gives a decision, to hear the statements of the official in charge. General orders from the ministry are at once to be made known to the officials concerned.

Council of officers.—§ 5. 1. *Arrangement and purpose.*—The council is made up of all superior officers of the institution and comes together with the director as president. The sessions are to be held regularly in the first week of each month and as often besides as the director considers necessary. Ministerial orders which relate to duties of officers outside of the director are to be made known. Matters of general interest are to be discussed, especially rules of economic management. Each superior officer has the right to bring up subjects for consideration. The discussions have for their object only advice for the decisions of the director. Resolutions which have for their object control of the director contrary to his own views are not permissible in the council. Communication of the discussions in the council to other persons without permission of the director is not permitted.

2. *Especial action of the council.*—The views of the superior officers must be heard in relation to (*a*) whether cellular confinement of the prisoner on grounds of security or for hygienic reasons may be prolonged over three years; (*b*) whether a prisoner is to be recommended for reduction of punishment, to release on a royal decision of grace, or to conditional release according to § 23, 1 of the criminal code; (*c*) whether a correctional is to be recommended for dismissal or to release before the expiration of the term fixed for his correctional confinement or to lengthening of this term (§ 54); (*d*) whether a prisoner shall be given a certificate of confidence (§ 58 under 2).

3. *Record.*—The acts of the council are to be recorded by an officer and signed by the director and all superior officers present. An authenticated copy is to be sent to the ministry of the interior. The ministry may be given information also by other special forms of communication.

Visits to the institution by strangers.—§ 6. Visits to the institution by strangers may be given only when they make proof of a special scientific or official intent and give no occasion to the director to suspect them. Every visit is to be recorded in a stranger's book kept for the purpose.

RECEPTION OF PRISONERS.

Proceeding at reception.—§ 10. (1) *Conditions.*—In the case of penitentiary and ordinary prison convicts the reception is made on the ground of a written order of the board of penal officers, in which is stated the judgment, the nature of the crime, the penalty, and the time from which the term of punishment is to be reckoned. If a part of the term has already been completed, or the time of preliminary detention (awaiting trial) is to be counted off, this must be noted in the order. The board of penal affairs must also communicate information as to former punishments in penitentiaries and ordinary prisons, and aggravated penalties of incarceration, under § 361, No. 3–8 of Penal Code. In case of "correctionals" the reception occurs on written order of police authorities through the county authorities.

(2) Before the acceptance of a prisoner delivered, the directory must examine the proof that the prescribed rules have been followed. If there is no reason for doubt, the prisoner is received and a certificate is issued.

(3) *Reception of one who voluntarily surrenders himself.*—If one condemned surrenders himself and offers evidence that he is under obligations to undergo a penalty, he is provisionally to be received, and information is to be given to the board of penal affairs.

(4) *References to rules; disciplinary classes; work.*—The director gives instructions to the prisoner, supplies him with a copy of the regulations, and assigns his class and his work.

(5) *Designations of convicts.*—From the reception onward the prisoner is called in the penitentiary a "penitentiary case" (Züchtling), in the ordinary prison a "prisoner" (Strafling), in correctional institutions a "correctional" (Korrektionär). Penitentiary cases, youthful prisoners, and correctionals are to be addressed with "thou" (du).[a]

(6) *Record of reception and release.*—In penitentiary and ordinary prison records must be recorded: Day and hour of reception; name of person received; day when reception was authorized, and the judgment or order of punishment; form of penalty and its term; day, hour, and reason of release.

(7) *Reckoning of the duration of punishment.*—Information is to be given the prisoner at his reception of the duration of his punishment. The director is responsible for this statement to the prisoner and must take care that it is correctly given (by subordinate). Subsequent changes, in consequence of later judgments, etc., are at once to be brought to the knowledge of the prisoner.

(8) *Number for the clothing.*—Every prisoner receives a clothing number, which will designate him up to his release in the acts, lists, books, and accounts.

NOTE.—Syphilitic cases are placed under special regulations and isolated.

Examination; cleansing; clothing and articles brought.—§ 11. (1) *Procedure in general.*—The prisoner is to be thoroughly examined, must be cleansed in a bath, and then clothed. The male convicts of penitentiary and the male correctionals will have the hair cut short and the beard removed, unless the physician advises to the contrary on grounds of health. In the case of other prisoners the hair and beard will not be changed except on grounds of cleanliness or decorum.

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[a] The term of respect for adults is "you," (Sie).—EDITOR.

(2) *Medical examination.*—When there is manifest disease the medical examination occurs before the cleansing, and in other cases ordinarily within twenty-four hours of reception. Its purpose is to judge of the mental and physical condition in general and to discover what kind of work is best suited to the convict. The record is to be made in a regular form (§12, 1).

(3) *Articles brought with convict.*—All articles found on the prisoner, his clothing, and other objects, so far as they are fit to keep, will be recorded. Valuable papers, savings-bank books, etc., will be held by the institution and managed at the cost of the prisoner. Cash belongs to the savings of the prisoner (§ 8, 1*a*). Articles liable to damage will be sold and the proceeds go to the savings. The prisoner receives a receipt for articles retained at his reception.

Records (Akten).—§ 12. (1) *Entry.*—A special record book will be kept for every prisoner, in which shall be inscribed (*a*) a complete description of the prisoner; (*b*) the required orders from the board which delivers him; (*c*) the results of the medical examination; (*d*) the list of articles brought with the convict (§ 11, 2). The record as sent by the board is to be completed and the place of settlement for poor relief noted.

(2) Information from other institutions where the convict has been held may be obtained.

(3) *Presentation of the record.*—It is first to be shown the director, and by him to other officers at his discretion. Then it goes to the accounting officer for record of the property.

Examination by the chaplain.—§ 13. (1) *Evangelical prisoners.*[a]—After the chaplain has examined the record he has the received prisoner brought before him and examines him with reference to (*a*) his mental capacity, (*b*) his disposition, (*c*) moral state, (*d*) education (school grade), and inscribes the results, with remarks, at once in a book kept by him according to a regular form.

(2) *Establishment of his confessional relations.*—The chaplain at the first interview is to ask the convicted person as to his confession, and is to compare his statement with the official declaration.

(3) Catholic prisoners are brought before the Catholic chaplain, who conducts the examination and enters the record.

(4) *Procedure in case of merely occasional presence of an Evangelical or Catholic pastor.*—At the first visit of the pastor the prisoner is to be examined. The director is to inform the prisoner at his admission when the pastor will make a visit. If the prisoner earnestly requests an earlier interview, or if any other good reason exists, the pastor is to be requested to come immediately.

(5) Prisoners of other creeds, neither Catholic nor Evangelical, are examined by the Evangelical chaplain.

RULES OF CONDUCT.

Supervision.—§ 15. (1) *Object of supervision.*—It is extended to all the actions, conduct, and industry of the prisoners.

(2) *Supervising officers.*—The immediate oversight of male prisoners lies with male supervising officers, over female prisoners with female supervising officers, under instructions of the service and instruction from the director. The prisoners are to yield unconditional and instant obedience to the orders of the supervising officers. The supervising officers are to report to the director all that is improper, so far as it is not an irregularity which is corrected by a direction. Every supervising officer is authorized to confine a prisoner who transgresses rules, but he is also obliged to report this act in the ordinary way.

(3) Complaints against officers, employers, or foreman are to be brought before the director, but in institutions where there are departments for discipline, before the department instructor. Unfounded or vicious complaints will be punished.

(4) *Military persons.*—Military persons who are appointed temporarily to positions as overseers in institutions for men are under the regulations.

(5) *Seniors ("Aelteste").*—Older prisoners may be ordered to assist the supervising officers, and also in works and arrangements where supervision by officers is impracticable. For this purpose the director, so far as possible, will name prisoners of the first disciplinary class, with strict instructions as to their powers and duties in a particular case or in general. Within the range of orders of these supervising services the prisoners must yield unquestioning and immediate obedience.

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[a] "Evangelical" is, in Germany, used to designate members of the National ("Lutheran") Church, or Protestants generally. EDITOR.

(6) *Use of weapons.*—Actual attacks and other deeds of violence against officers, attempts to escape, mutiny, and other forcible resistance will be hindered and opposed by officers of the institution and by soldiers who are called to assist in supervision with the use of weapons, if necessary even of firearms.

Youthful offenders in prison—Congregate confinement—Separate confinement.—§ 16. (A) Youthful prisoners (in the sense of the Penal Code) will be, so far as they are not held in special institutions, kept separate from other prisoners, in a distinct department, according to § 57 of the Imperial Penal Code. They may be held in the special institution or in the special department to the completion of the twentieth year of age; and in case the remainder of the sentence does not extend beyond three months, until the end of their term of sentence.

(B) *Congregate confinement.*—(1) Division: For the purpose of supervision and labor the prisoners will be divided into groups, according to the judgment of the director. The union of such groups in disciplinary groups in the larger institutions is determined by the ministry of the interior.

(2) Younger prisoners who, on the whole, seem to be relatively uncorrupted are to be held, as far as possible, separate from older prisoners.

(3) Separation of prisoners who still retain civil rights of honor: Prisoners who retain civil rights of honor and have not undergone either a penitentiary sentence exceeding two weeks nor a repeated sentence, nor a sharpened punishment (on the ground of § 361, Nos. 3–8 of the Code), so far as possible are to be held separate from other classes of prisoners.

(4) Separation for the night: The prisoners at night will be kept apart so far as possible, unless the condition of particular persons makes congregate custody necessary.

(C) *Separate confinement.*—(1) Separate confinement as a disciplinary measure: The director can employ separate confinement temporarily as a disciplinary measure.

(2) Separate confinement according to § 22 of the Penal Code. Separate confinement may be employed with prisoners, after previous consultations with the chaplain and physician, upon or without request of the prisoner. It is particularly advantageous when (*a*) the term of confinement does not surpass three months; (*b*) the prisoner has not yet reached the twenty-fifth year of his age; (*c*) the prisoner has not undergone sentence to penitentiary, ordinary prison, or sharpened incarceration according to § 361, 3–8 of the Penal Code. It can not be extended beyond three years without consent of the prisoner unless prolongation is required on ground of safety or health and after counsel of the official conference. Separate confinement is excluded when there is reason to fear injury to the physical or spiritual condition of the prisoner. Prisoners who have not passed the eighteenth year of age may not be held in separate confinement without approval of the minister of the interior.

(3) Visit of officers: Every prisoner in separate confinement is to be visited several times in a day by officers, and at least once a month by the director and physician.

Special restrictions.—§ 17. (1) *General rule.*—Every enjoyment which is not expressly permitted is forbidden.

(2) *Restriction upon reading.*—The reading of books and publications is, during the time set apart for reading (§ 36, 2), limited to the collection provided by the institution. The possession of newspapers is, as a rule, not permitted to prisoners. In both directions exceptions may be made by the director in particular circumstances. The choice of reading materials is always subject to the approval of the director.

(3) *Restriction of intercourse.*—The prisoners may not converse among themselves, nor with other persons, in any way, without permission of the director. As a rule they must be silent at all times. Exceptions are allowable and go unpunished only when the occupations or other occasions make speech unavoidable, or so far as it is by exception expressly permitted by the director.

(4) *Written intercourse.*—The written communications of the prisoners are subject to supervision of the director. Every letter received or sent must be examined before it is delivered, and when the contents are in question it is not to be delivered or sent.

Communications to the courts, the State administration, and boards of supervision may not be held back. Communications to other boards, when they are censorious or otherwise objectionable, are to be kept back. When any communication is held back the fact and its reasons are to be made known to the prisoner and a record of this is to be made on the papers of the prisoner.

All officers are under obligations to hold in confidence all the private affairs of the prisoners which come to their knowledge in the written communications. Such facts as indicate danger to the institution, within or without, or point to the commission or concealment of a punishable offense, or knowledge of which for any reason seems important to the ministry of the interior or the boards of justice are to be made known to the proper boards.

Writing material is to be supplied the prisoners for each particular case in proper amount, at the charge of the general savings fund; also the envelope in which each letter must be inclosed. The director is to decide whether a more extended use of writing material is permissible in the case of any particular prisoner. Every prisoner is to return as much paper, written on or not, as he received, and also pen, ink, and pencil. The bringing in of writing material surreptitiously will be severely punished.

(5) *Visits of relatives.*—As a rule each prisoner in the penitentiary or in a correctional institution may receive a visit once in three months, and in ordinary prisons once a month, from visiting relatives, after having permission from the director. The visitors must give satisfactory information about themselves. An officer must be present at the interview. Each visit is to be recorded in a book kept for the purpose. Exceptionally the director may permit visits of other persons, and visits without supervision.

(6) *Presents and other admitted objects.*—Whether presents which are made to prisoners may be received by them, the director decides. But all luxuries (with the exception of Jewish easter holiday dainties (§ 33, 2, 3) are to be excluded. Presents from prisoners for prisoners or from discharged men to such prisoners as were in confinement at the same time with the giver, even for a short time, may not be credited to the savings of the prisoners nor held for their use. That which is prescribed in relation to presents holds good of all which is sent in or brought for prisoners, and that also is true of the privileges of providing for one's self (§ 37, 3).

(7) *Restrictions on the collection of articles.*—As a rule property of the prisoners may not be kept in the institution in amount beyond what the prisoner could carry with him without special means of transportation. Consideration of this rule must be made in all decisions of the director as to presents, etc., or purchases, or making of articles in the institution.

(8) Sending away of articles which do not fall under 4 can not regularly be permitted to prisoners. Exceptions may be made by the director, on his discretion and responsibility, when it is a question of assisting relatives (§ 8, 20).

Offenses against regulations.—§ 18. (1) *Punishable acts.*—All conduct of the prisoners, as actions, words, or gestures, which is forbidden by general legal rules, or which offends against order, morals, or propriety, all disobedience against regulations or officers, and all acts of negligence are liable to bring disciplinary chastisement. All offenses which are prohibited in the Penal Code are to be punished in a disciplinary way.

(2) *Handing over to judicial punishment.*—Surrender to the boards of justice occurs, according to the circumstances, with respite from disciplinary punishment, but with isolation of the prisoners, when the punishable action has for consequence: (*a*) In penitentiary cases a prolongation of the penitentiary sentence or the award of a death penalty; (*b*) in ordinary prison cases the prolongation of the term of sentence in an ordinary prison, or the award of confinement in a fortress prison or penitentiary, or a death penalty; (*c*) in correctional cases the award of a term in a prison or fortress prison, penitentiary, or a death penalty.

(3) *Offenses before the commissioner of the ministry.*—The punishment of falsehoods and other offenses of which a prisoner is guilty before a commissioner of the ministry is left to the director on the action of the commissioner or is referred to the ministry of the interior.

DISCIPLINARY MEASURES.

Disciplinary classes.—§ 14. (1) *Distinction of the classes.*—There are three disciplinary classes into which the prisoners are to be arranged, according to their moral condition and their conduct in the institution.

The prisoners of the three classes are distinguished by their garments and are to be differently treated in connection with the restraint of freedom (§ 17); the granting of allowable favors and rewards (§ 23); the reward of labor (§ 27); the concession of appropriations out of savings (§ 8, 2); the application of disciplinary penalties (§ 19, 16).

(2) *Middle class.*—Every prisoner on entrance, unless he is not required to go into the third class, goes into the middle class.

(3) *Third class.*—(*a*) Placing in third class at entrance occurs with (a^1) those who have already undergone a serious punishment, within or outside the State, in a common prison or fortress prison, or under § 361, 3–8, of the Penal Code; (b^1) those who at their admission manifested a bad disposition or frivolous notion about their punishment; (c^1) those who have purposely committed crime in order to gain admis-

sion to a prison or correctional institution; (d^1) in correctional institutions, those correctionals who after their term are to be sent out of the State.

(*b*) Exceptional cases: The director has discretion in some cases to exempt certain persons from inclusion in the third class, when it seems that the character of the prisoners or, especially with youthful offenders, the disciplinary and educational ends can otherwise be better gained.

(*c*) Transfer to or from the third class. Those whose moral condition requires rigorous discipline, and whose conduct in prison shows viciousness or frivolous notions of their punishment or of the correctional regulations, may be transferred to the third class. When improvement has been shown they may be restored to the middle class.

Generally those who have been placed in the third class on admission must remain there. Exceptions are permitted, generally, when the permanent continuance in the third class would be a disadvantage to discipline, or in case of youthful correctionals an educational disadvantage; and particularly when penitentiary cases and those in ordinary prisons are industrious and their conduct blameless, and their demeanor during the period of the sentence and their moral attitude justify the belief that an improvement has begun, and the feeling as to the punishment as a just consequence of violation of law will not be weakened in other prisoners; and with correctionals when, by steady industry and blameless conduct and moral attitude, those received into the third class have obtained the end of the measures used.

(*d*) Treatment in the third class: The oversight and treatment, within the limits of the regulations, is in every respect to be especially severe.

(4) *First class.*—From the second class may be promoted to the first class those who give proof that they have earnestly endeavored to improve themselves, and have for a long time conducted themselves especially well and worked industriously. Those who have shown themselves unworthy of this distinction are to be transferred to the middle class, and under some circumstances immediately to the third class.

(5) Transfer may be made at any time under these rules by the director. The superior officers and the supervisors are to use every opportunity to become acquainted with the personal character of each prisoner, and to make known their observations to the director; and the superior officers are to record their observations on the personal record of the prisoners.

Disciplinary punishments.—§ 19. As forms of disciplinary punishment these are permissible:

(1) Admonition (reprimand).

(2) Withdrawal of ordinary privileges, and especially loss of credits of reward of labor in the month or months for which the punished person had the credit, up to three months.

(3) Withdrawal of books and publications, up to four weeks.

(4) In separate confinement, withdrawal of work, up to one week.

(5) Withdrawal of privileges of exercise in open air, up to one week, the physician to be notified at once of the penalty.

(6) Withdrawal of the bed, with confinement in a cell provided with board floor. There is left to the prisoner, who is stripped to the shirt, (*a*) for male prisoners, their trousers of ticking; (*b*) for female prisoners, their cloth undercoat, up to one week. For men and women there is provided, (*a*) in the warmer seasons, a single cover; (*b*) in colder seasons, two single covers or a double cover. In all cases after three days of punishment or three nights there intervenes a day or night of respite, when the usual food or bed is permitted.

(7) Diminution of food may be: (*a*) penalty diet, (daily three dishes of water, soup, and two pieces of rolls, together with the regulation butter and salt addition, but without the daily bread portion), or (*b*) bread and water. The penalty can be carried out with the requirement that the person punished come out of the cell at meal time. The physician must at once be informed of the penalty.

(8) Chaining, up to four weeks. These punishments (1–8) can be used singly or in connection.

(9) Isolation in a cell set apart for close confinement. This discipline can be intensified: (*a*) by withdrawal of regular privileges, (*b*) by withdrawal of books and papers, (*c*) by withdrawal of work, (*d*) by withdrawal of bed, (*e*) by diminution of food, (*f*) by darkening of cell. The time limit is six weeks. On every third day the prisoner is to be brought into the open air for one hour. Singly or in connection with each other: (*a*) and (*b*) for the whole period or a part of the period, (*f*) not more than four weeks. (*d*), (*e*), and (*f*), forms of intensification, are suspended, when isolation continues more than a week, on the fourth, eighth, and then on every third day. The physician is at once to be informed of the sentence.

(10) Closer confinement: The "arrest" is sharpened by placing the prisoner, on the days of special severity, from 6 a. m. to 8 p. m., within a cage built in the arrest cell, in which he can sit or stand up, but can not lie down.

(11) Closer confinement in a dark room: (10) and (11) up to ten days of severity are permissible in penitentiaries and correctional institutions; in all cases after three days of severity there is one rest day on which the severity is omitted. On every rest day the prisoner has an hour in the open air. When close confinement is ordered the physician is at once to be notified; but when the dark room is ordered, the physician must know before the opening of the decision. Well-founded objections of the physician must be regarded. Further sharpening of the measures by diminution of food or removal of bed, or both, are permissible, as under (19).

(12) Cage arrest: The confinement is made more severe by placing the prisoner, on the days of severity, from 6 a. m. to 8 p. m., clothed simply in a woolen or linen garment (according to the season and weather), without shoes or other firm foot covering, in a punishment cell, whose floor and sides are covered with three-cornered pales, according to a regulation.

(13) Cage arrest in darkness: The punishment cell may be darkened to make the discipline more severe. (12) and (13) permissible only up to ten days of severity, and only in penitentiaries. After every three days of severity there falls a rest day, when there is respite from the severity. On the rest day the prisoner passes one hour in the open air. Before the sentence is opened the physician is to be consulted; his well-founded objections are considered. Further severity by reducing diet is permissible. Removal of the bed is not permissible. A record is to be made of the act of each case of discipline, with reasons, and a copy is sent to the minister of the nterior after the punishment is undergone.

(14) Corporal chatisement, to a maximum of 30 strokes: This will be applied by neans of a hazel cane, 80 to 90 centimeters long, shaved smooth, at the handle not nore than 1 centimeter thick, upon the bared buttocks. The chastisement is applied only in the presence of the director or superior officer and of a physician, but no others are admitted as witnesses. Only male prisoners of penitentiaries and of correctional institutions can be so punished. The physician is to be consulted before the order is opened, and well-grounded objections of the physician are to be considered. The explanation of the reasons is recorded and communicated to the minister of the interior.

(15) Youthful prisoners, who are not over 18 years of age, can be chastised in the same ways as persons of the same age and sex in the public schools, but such prisoners may not be chained (8), and the sharpening of the solitary confinement by darkening of the cell is prohibited.

(16) Prisoners of the third disciplinary class are specially subject to the more rigorous discipline. The accusing officer shall not be the person to inflict the strokes.

Procedure at infliction of disciplinary punishments.—§ 20. (1) Disciplinary punishments will be ordered by the director or his representative officer. In any case the order is to be communicated to the minister of the interior. In case of work outside the institution a limited power of punishment can be delegated with consent of the minister of the interior.

(2) Modifications, intensifications within the right to punish, diminution, or suspension of punishment are in the discretion of the officer who orders the punishment. It is advisable to change the form of punishment when the same prisoner, before expiration of his punishment, has made himself otherwise liable.

(3) Quick succession of penalty upon transgression is advised.

(4) Procedure of explanation: The prisoner is to be heard before the fixing of the punishment. The person who orders the punishment shall be satisfied that the prisoner has really committed the offense charged.

(5) Punishment of a company of prisoners, as when all in a work or sleeping room are obstinately silent about some offense, may exceptionally be inflicted.

(6) In the selection and measurement of punishments the gravity of the offense, the maintenance of order, and especially the repetition of the act and the general character of the person are to be regarded as decisive.

(7) The sick or convalescent, those with child or in childbed, can not be subjected, without consent of physician, to punishments, except 1–3 (under § 19).

(8) Ordering of several penalties under one decision is permissible under these restrictions: (*a*) More than one of the penalties named in § 19, 9–13, can not be named in one decision. Further, in one and the same punishment there can not be inflicted, (*b*) withdrawal of the bed and barred cage, or barred cage with darkness; (*c*) withdrawal of the bed and corporal chastisement; (*d*) barred cage arrest and darkened cage with corporal chastisement.

(9) Various offenses of the same prisoner, which are charged at the time of trial, are to be treated as one offense.

(10) Penalties from different cases of offense may not be inflicted at the same time. One exception is the loss of reward for labor (§ 19, 2), which may be ordered at the same time with other penalties.

(11) Suspension and delay of infliction of disciplinary punishment must always occur when life or health of the prisoner are endangered; and in these points the counsel of the physician must be regarded.

(12) Disciplinary offenses shortly before release: The length of the time of disciplinary punishment or the end of them by act of grace, and, with correctionals, the end of their term of confinement, do not stand in the way of fulfilling the disciplinary order. But in such cases, as far as possible, forms of punishment should be chosen which will make delay as brief as practicable.

(13) The use of legal process or appeal to mercy in order to ward off an ordered disciplinary punishment can not put it off.

(14) The punishment may be made known to the other prisoners at the discretion of the director.

Especial means of security.—§ 21. So far as other means are not sufficient the following may be resorted to against actual resistance: Strait-jacket and chaining. In all such cases an order from the director is presupposed. Only in case of necessity is it permitted the officer of supervision to apply the appropriate means in order to prevent acts of violence on the part of the prisoner. In such instances notice is to be given without delay. Omission of the use of such means depends upon order from the director. A list of those prisoners who are subject to these regulations must be laid before the director at the end of the month by the proper administrative officer, whereupon the director makes a decision in reference to every prisoner there recorded, whether the measure is to be continued or discontinued, and the decision must be entered.

Book of punishments.—§ 22. Every punishment, together with the offense for which it was fixed, with the name and number of the person to be punished, and of the date, is recorded in a special book. In the same way the measures of security mentioned in § 21 together with the reason for the decree is inscribed in the book of punishment. This book is to be circulated every week among the superior officers. The minister of the interior receives information according to rules prescribed by him, from copies and extracts from the book, in respect to the means employed and the persons who are subjected to them.

Rewards.—§ 23. (1) Kinds of reward in general: Unusual industry, good conduct, and earnest striving for moral improvement may be rewarded with (*a*) the granting of special indulgences in diet at the cost of the savings fund or of the general fund; (*b*) praise before the assembled prisoners; (*c*) transfer to a higher diciplinary class; (*d*) in penitentiary and ordinary prison cases, recommendation to remission of punishment, to discharge on royal act of grace, or to early release according to § 23 of the Penal Code. Every reward may, in the discretion of the director, be made known to all the other prisoners.

(2). Recommendation for remission of penalty: Penitentiary or ordinary prison convicts may be recommended for remission of penalty only when they belong to the first disciplinary class and have there already for a long period given in their conduct evidence that they are really sorry for their offense and are actually better men. In such cases the director is to send a report to the ministry of justice, appending the special records. These recommendations are not to be made known to the prisoners until a favorable decision has been received.

ORGANIZATION OF INDUSTRY.

Occupation of prisoners.—§ 24. (1) *Compulsory labor.*—Penitentiary convicts and correctionals are to be set to the kinds of work carried on in the institution. They may be employed outside the institution, especially upon public works and those supervised by State boards. This kind of occupation is permissible only when the prisoners are kept separate from free workmen.

(2) Convicts of ordinary prisons will be occupied in a way suitable to their capacities and relations.

Employment outside of the institution is permitted only with the consent of the convicts.

(3) *Personal employment.*—Convicts of ordinary prisons who still possess civil rights of honor and have never served a sentence in the penitentiary, may be permitted by the director of the institution to carry on an industry of their own. This permission ordinarily is granted only on the understanding that the convict belongs to the first or second disciplinary class, that the selected occupation has not only entertainment and diversion for its purpose, but, according to the measure of the capacity of the convict requires tension of his powers, and is also consistent with the order and security of the institution; and that the prisoner, in addition to the regular contribution for care, recompenses that institution on a scale agreed upon in advance for the labor power so taken from the institution.

(4) *Distribution of work.*—With the exception of the case mentioned under (3) the kind of work will be assigned to each prisoner by the director. Outside of the regulations given (under 1 and 2), regard must be had for the health, the capacity, and the future welfare of the prisoner; and in case of convicts of ordinary prisons, the grade of education and the vocation must be considered. In the case of youthful prisoners especial weight must also be laid upon education.

(5) *Duration of labor.*—The daily time of work, as a rule, in the penitentiaries and correctional institutions, shall not exceed twelve hours, and in the ordinary prisons not more than eleven hours.

Securing employment.—§ 25. (1) *General principle.*—In the utilization of the labor power of prisoners the interests of private industries must be guarded as far as possible. Above all, underbidding free work is to be avoided.

(2) *Introduction of work.*—The introduction of new kinds of work, in connection with which effort is to be made to divide the industries among many branches of business, requires, apart from tentative efforts, the approval of the Ministry of the Interior, which will be given in advance according to the circumstances of individual cases or for specific kinds of labor.

(3) *Contracts* for the labor power with employers, which so far as possible are to be limited to delivering goods for the administration of the State, and especially to provision for the institutions of the country, as a rule must be made by public bids. In the choice of forms of work, those are to be preferred which have a wide market. Especially must be avoided the injury of occupations which have a locally limited market in the immediate region of the institution.

The task.—§ 26. (1) *Fixing the work task.*—In every kind of labor, so far as the nature of it permits, the director will define that quantity which the prisoner must deliver, the work task. The lowest grade of the task is in any case to be defined so that it can be accomplished by average work capacity, not without tension. The higher grades are intended for prisoners with more than average capacity for work.

(2) *Fixing the task for the individual.*—The director determines the grade of the task which the prisoner has to perform, taking into consideration the ability of the prisoner.

(3) *Decision as to the performance of the task.*—In judging of the performance of the task of the individual the time in hours of work must be reckoned during which the prisoner was hindered in its performance. Particulars are determined by the labor regulations.

(4) *Work without task.*—In kinds of labor where a definite task can not be fixed the industry of the prisoner in general and with reference to his capacity must be carefully watched.

Reward for labor.—§ 27. (1) *Nature and extent of reward for labor.*—The prisoners have no right whatever to any compensation for their labor. The product of work flows into the treasury of the institution. But in order to increase interest in the labor, to promote habits of industry, and to improve the prospects of the prisoners after their discharge, they will be encouraged to hope for rewards rising according to the several disciplinary classes and the value of the services. The rates at present are fixed as follows:

[The product as valued by multiplying the units of labor by the rate of wages per piece.]

Class.	Penitentiary convicts.	Prisoners in ordinary prisons and in correctional institutions.
Third class	$\frac{2}{3}$	[illegible]
Second class	$\frac{3}{3}$	$\frac{4}{4}$
First class	$\frac{7}{6}$	$\frac{5}{4}$

The part remaining from this sum to the third class, after deducting two-thirds for penitentiary convicts and three-fourths for convicts of ordinary prisons and correctional institutions, flows into the general savings fund. The regulations relating to the reward of work will govern this matter. A claim upon the continuation of the arrangement can never be made by the prisoners. The reward of work will be reckoned monthly and credited to the prisoner. The prisoner never secures a right to this money until it is actually paid into his hands. Industry on one's own account (§ 24, 3) is excluded from this reward.

(2) Application of rewards of work during the time of confinement is permitted by the director only according to the regulation (§ 8, 2). The director is authorized to correct any inequalities.

Collection of the rewards of work in the general savings fund.—§ 28. (1) *Cases in which such collection occurs.*—The credited rewards of work, so far as not already expended or paid over to the prisoners, is paid into the general savings fund (*a*) when the prisoner dies in the institution or while out on parole, or during provisional release, or after discharge; (*b*) when the prisoner escapes from the institution or while on parole; (*c*) when the prisoner at his discharge refuses to give satisfactory information as to his future home and does not repeat his report before the end of a month from the day of his release; (*d*) when the prisoner after his discharge has not within six months made notification of the reception of the reward of labor sent him; (*e*) when the prisoner refuses a receipt for pensions or income; (*f*) when the prisoner before or after his release gives further occasion for committal to an institution of punishment or correction.

(2) *Exceptions.*—In cases which fall under (*a*) so far as the reward of labor is not already applied, or is claimed under § 8, (2, *a*, *b*, *c*,) it may be paid over by the director, wholly or in part, to needy relatives of the prisoner.

Record of work.—§ 29. (1) *Work list.*—The time which is given by each prisoner to work will be daily recorded. At the end of each month there is to be entered in the book given to the prisoner the time deducted and reasons for the deduction (§ 26, 3).

(2) *Work book.*—Every man who works at a task is provided with a work book in which credits for work are entered. According to these entries at the close of the month, and in case of departure in the course of the month, and before the close of the accounts of the savings fund, the reward of work will be reckoned. At each time the book is closed the prisoner is to test its correctness and offer his objections. Later objections will not usually be considered. In order to make it possible for the prisoner to make this test he will have suitable opportunity to examine the record. Men without a task (Pensum) have no work book. The reckoning of their reward is made on the basis of the work list (1) and the time there entered.

(3) General surveys of the productions of the work carried on in the institution according to the regulations, are regularly to be sent to the minister of the interior.

Contributions for maintenance and special allowances.—§ 7. (1) From the possessions or income of the prisoner, or from persons legally obliged to provide support, the institution, according to the measure of the existing regulations, is to take the required contribution for maintenance during the term of the punishment or correctional process. To cover this contribution for maintenance the reward for labor (§ 8 under 16) is not to be taken.

(2) *Special allowances for expenditures.*—Expenditures (*a*) for maintenance beyond the time of punishment or correction; (*b*) for special aid at birth of infants of prisoners in the institution; (*c*) for children who are born to the mother in the institution during her incarceration; (*d*) for burial of prisoners dying in the institution (including those maintained beyond the time of incarceration), or children dying in the institution during the incarceration of their mothers, are to be repaid to the institution.

The contribution for maintenance is fixed at 288 mark per year, 24 mark per month, 80 pfennig per day.

Administration of the savings of the prisoners.—§ 8. (1) *Meaning of "savings."*—Savings of the individual prisoner consist of (*a*) money brought into the institution or which come to him during his imprisonment—his own means; (*b*) reward for labor, entered to his credit (see § 27).

(2) *Application of the savings.*—(*a*) Special indemnification (§ 7 under 2); (*b*) expenditures for postage, fees to letter carriers, etc.; (*c*) expenditures for damages caused by the prisoner in attempts to escape, or by willfulness or negligence, or by others through his connivance; (*d*) expenditures of an exceptional character permitted by the director (§ 40), or for aid of relatives in need, or for furnishings at release, or parole, or provisional release; (*e*) only out of his own means, and that only so far as they already exist, may such expenditures be met, as: Costs of obligations for maintainance; costs of courts and advocates; compensation for damages done outside of the institution; costs of transportation caused by persons escaped or released; taxes and duties; fines, etc.

(3) *Principle for assignment of expenditures of savings (2, a–d).*—Expenses are paid only out of prisoner's own savings, and when these are inadequate, out of his reward for labor.

(4) *Lump sum given at release.*—The ministry fixes a sum for costs of travel and immediate support for released or conditionally released men. So long as this sum

is not secured, the expenditures under 2, *d* are not permissible except for weighty reasons. This lump sum is 8 mark, but additions may be made if necessary.

(5) Investment of savings on interest is required, and the interest comes into a common fund.

(6) Savings books are kept for each prisoner; receipts and expenditures, if there is anything to enter. The prisoner is to see the book and complaints are to be heard. The book is closed at time of release; complaints may then be made, but not later.

Common savings funds.—§ 9. (1) *Establishment.* To this fund flow: (*a*) revenues of the deposits of savings; (*b*) revenues of the property of the fund; (*c*) rewards of labor, coming in connection with disciplinary punishments; (*d*) receipts from other sources.

(2) *Purpose of the fund.*—The immediate object is to assist such prisoners as have no savings, or inadequate savings, during their stay in the institution, during their parole or conditional release, or at final release; in exceptional cases after release. The director has discretionary control of this fund, with responsibility to the ministry of the interior. The ministry reserves the right to make additions and changes and adjustments between different institutions.

REGULATIONS RELATING TO HIRING OUT PRISONERS FOR AGRICULTURAL LABOR.

1. Prisoners may be hired out in special cases for outside labor without order from the ministry: (*a*) from prisoners for men and the institution at Sachsenburg, except cases coming under (2); (*b*) from the women's prisons and correctional institutions and the men's correctional institution at Hohenstein and at Radeburg. The applications of landlords for laborers are to be met as far as possible.

2. In the case of the men's prisons and the Sachsenburg institution previous permission of the ministry is required when the prisoners must pass the night outside the institution.

3. In any case the director is held responsible for carrying out the provisions of the sentence or term of correction, and, in particular: (*a*) the prisoners working outside must be kept apart from free laborers (Penal Code, § 15, 2 and § 16, 3); (*b*) silence must be observed and all disciplinary requirements rigorously enforced; (*c*) no prisoners who are untrustworthy can be employed; (*d*) prisoners of common prisons can not be so employed without their own consent (Penal Code, § 16, 3). If a man once gives his consent he can not recall it, but must work out for the whole time to which he has agreed.

4. In institutions where special regulations are necessary in relation to security it is understood that these will be carefully observed when prisoners are hired for outside labor.

5. In hiring prisoners for any kind of outside labor they shall be divided into companies so that not less than 10 men shall be under the supervision of one guard. Only in peculiar circumstances are exceptions permitted. Less than 8 prisoners shall never be under one guard.

6. Hiring shall not extend beyond the calendar year, or, if there is a time contract, for longer than three months. The institution has the right to bring the contract to instant termination for any of the following reasons: (*a*) when the employer is changed; (*b*) when a manager loses legal qualifications; (*c*) when the manager passes a payment; (*d*) when he brings labor to an end in a way injurious to discipline; (*e*) when he in any form sublets labor; (*f*) when the institution is removed or there are changes in its constitution, or when war or riot makes the continuance of the work under the contract impracticable; (*g*) when the manager is disrespectful to an officer of the institution, or permits acts of disrespect on the part of relatives or employees; (*h*) when a manager or his representative uses violence against a prisoner.

7. Wages are paid by time, not by piece. In forest administration piece wages may be fixed, but the equivalent in time wages must be determined.

8. A rate of wages shall not be asked which will prevent the hiring of labor, but no manager can have work done at a lower rate than the equivalent in free labor. The interest of the finances of the State as well as those of free labor require that the full market rate be demanded.

9. In accordance with (8) there is a twofold minimum limit: (*a*) the rate of wages may not be lower than that which is customary for free labor of the same kind at the same time and place for free labor (male, female, youth, adult); (*b*) the rate of wages shall be high enough to secure the same income for work outside as the prisoner would earn inside, if work inside can be supplied. The average value of the labor may also be tested by the average of the last or next to the last calendar

year, for labor inside the institution by day and head. * * * Under this minimum (*b*) the rate of wages shall not go, even when the customary rate would be lower. If a higher rate than this minimum can be secured it is not considered.

10. If supplies are furnished by the employer they are credited to him at the rate at which it would be ordinarily reckoned on the books of the institution. * * *

11. Expenses for guards and officers are not charged to the employer, but are paid out of the funds of the institution. For expenses for transportation, shelter, medical care, for prisoners and officers, supplies of food for guards and for prisoners on free days, a contract shall be made to cover what is absolutely necessary. The employer is not to be credited with sums from which the institution derives no benefit. * * * If the employer gives bread, beer, coffee, butter, or fats, which would not be given without consent of the director, and are not included in the contract for prison supplies, this expense will not affect the wages.

12. The employer of outside prison labor must pay for all the time of men which is at his disposal. Excepted is the time of regular rest days, or when the prisoner can not work. If the prisoner stays with the employer at his request, when he could have rested in the institution, the employer is not paid for provisions supplied. On the vouchers the facts are stated. In outside labor without night shelter the employer has to pay for time which the prisoner spends outside the institution: Three hours is counted one-fourth of a day; six hours is counted one-half of a day; nine hours is counted as three-fourths of a day; over nine hours is counted one day.

13. Every case of outside employment is to be reported to the ministry of the interior on prescribed forms.

14. The same principles apply at Sachsenburg.

CARE OF HEALTH.

Extent of maintenance.—§ 37. (1) *Provisions from the institution.*—As a rule the institution supplies to the prisoner only that which is necessary to support life, to preserve health, and maintain industrial efficiency. The ministry of the interior fixes by regulations what further is to be given to the sound and to the sick.

(2) Further grants beyond what is regularly given or varies therefrom is only exceptionally permissible according to the rule in § 40.

(3) The supply of one's own food or apparel or bed clothing may be permitted only in ordinary prisons, and only to prisoners in cells who belong to the first or second disciplinary class and who have not lost civil rights, with the understanding that the permission is not inconsistent with order and security in the institution; that, further, there are special reasons in the habits and relations of the person on account of which the denial of the favor would make the punishment unusually severe for the individual; and that, in addition, the increased cost shall be secured in advance. This supply is permitted only when it comes from without through the institution, and may not exceed the limits of moderate enjoyment. The furnishing of one's own food and the use of one's own clothing and bedding may be permitted separately or in connection with each other.

The director may withdraw the privilege at any time, but in such cases he reports the action to the ministry of the interior. In cases of youthful prisoners this privilege is not ordinarily suitable and must be reserved for exceptional instances. Where there is a saving to the institution in the cost of diet, clothing, etc., the prisoner is not to be credited with it.

Diet.—§ 38. (1) Regulations of food will determine for each diet class (sound and sick) and each meal time, the kind and quantity of food.

(2) *Bread portion.*—The regulations of food determine the maximum bread portion which may be given the prisoners. The determination of the bread portion for each individual, up to the regulation maximum, is made by the director with due consideration of the physical strength and the labor of the prisoner, but the counsel of the physician must be heard, and he may make suggestions. Additions to the bread portion beyond the food regulations at cost of the institution are not permitted.

(3) *Meal times.*—The prisoners, so far as they are not in separate cells, eat together, each one at a seat assigned him. For taking the three meals, including the time given to devotions, one and one-half hours are daily set apart. To consume a second breakfast and vesper bread, for which a part of the daily bread portion may be kept, each prisoner can have a quarter-hour. The time of the meals is fixed by the director.

Clothing and beds.—§ 39. (1) Regulations for clothing and beds contain the rules for clothing, the distinguishing marks for each disciplinary class, the underclothing of all sorts, and the articles which belong to the bed, and also the number of each kind which must be supplied, how many may at the same time be given to the prisoner, and how often they may be changed.

(2) The giving out of fresh underclothing is made according to rules of the director.

Special allowances to prisoners who are not sick, in relation to diet.—§ 40. (1) Special grants of food may consist of sick diet of the first class, bread for the sick, and special delicacies. Sick diet and bread for the sick may be granted by the director, but only on the advice of the physician (§ 47). The expense is borne by the institution. Special delicacies are usually confined to butter or fat, milk or beer, and may be approved by the director only (*a*) as reward to prisoners of the first and second disciplinary class (§ 23), or (*b*) on medical advice, with reasons given. The expense is never to be borne by the institution, but must be met either from the savings account of the prisoner (§ 8, 1–2) or quite exceptionally from the general savings fund (§ 9). The grant from the director must always be for a limited period, but never longer than fourteen days. Repetition on the advice of the physician presupposes a new medical opinion and reasons for it.

(2) *Special articles of clothing and bedding.*—Allowances by the director may be made only upon medical advice for a period, or under some circumstances also for the duration of the imprisonment (§ 47). The expense can never be borne by the institution, but must come from the savings of the prisoner (§ 8, 1–2), or, quite exceptionally, from the general savings fund (§9, 2).

Cleanliness.—§ 41. (1) *Rooms and contents.*—All rooms, clothing, bedding, and other articles for the use of the prisoners are to be aired and cleansed as often as necessary, according to regulations made by the director.

(2) *Cleansing of the body.*—Every prisoner in the morning must wash the upper parts of the body and comb the hair or arrange it according to prescribed rules. Face and hands are to be washed also before the noon and evening meal. Once a week he must thoroughly wash the entire body, for which warm water is to be provided. Prisoners of the penitentiary and correctionals, whose beard has been removed at reception, are to be shaved as often as necessary, and their hair shorn. In the case of convicts in ordinary prisons the beard must be shaved and the hair cut as often as is required for tidiness. Each prisoner receives a certain amount of soap for bathing purposes and must use it exclusively for this purpose. The quantity may be in individual cases increased.

(3) *Responsibility of the older prisoners.*—Those older prisoners who are charged with the oversight of cleanliness have to supervise the prisoners under their care, to help the aged and infirm, to examine all untidiness, and to report at once all instances of neglect in this matter under penalty of punishment and loss of their trust.

(4) Those who are infected with vermin are to be subjected to thorough cleansing, together with all articles used by them which are likely to harbor the vermin.

(5) *Baths.*—Prisoners shall, as a rule, take a bath once a month. In the summer the baths of the male prisoners, when this is practicable in local conditions and seems to be adapted to the health of the individual, may take place, according to circumstances, in a stream or tank.

Enjoyment of open air.—§ 42. (1) *Duration and time of day.*—At least one hour a day shall be set apart for exercise in the open air for prisoners in health who are not occupied outdoors. The hours for this are selected according to conditions. Prisoners not engaged outdoors, but still in fresh air—for example, in ventilated drying rooms and the like—as well as those whose occupation is not regularly but only in part in the fresh air—for example, where the work is at some distance away—may have the time thus passed in the fresh air reckoned as exercise in the open, so far as the physician does not object. Exercises in the open may be divided into shorter periods for the individual prisoner, so far as the physician approves.

(2) Exceptions to the foregoing regulations may be permitted only so far as is required by the weather, as judged according to the condition of the individual prisoner, and during the infliction of punishment under the rules found in § 19.

(3) *Form.*—Exercise in the open air may, when approved by the physician, be connected with gymnastic exercises, especially in institutions for youthful prisoners, and with occupation at light work, chiefly in the open air, which demands rather exercise than a strain of the physical powers, and therefore has the character of an occupation which assists the purpose of movement out of doors.

Rest at night.—§ 43. (1) *Duration.*—The prisoners shall enjoy at least six and at most nine hours of nightly rest, according to their occupation and the season.

(2) *Time.*—The hour at which the prisoners retire in the evening and at which they rise in the morning is determined by the director.

CARE OF HEALTH, AND DISEASE—CASES OF DEATH.

General sanitary conditions.—§ 44. (1) *Reports to the director.*—All actions which have any bearing on the conditions of health in the institution are to be promptly made known to the director by the physician and other officers.

(2) Information in relation to such matters, as well as of outbreaks of epidemics, is to be given to the ministry of the interior as early as possible, together with an account of the immediate measures which have been employed.

Notification of illness.—§ 45. (1) *Medical relief.*—When a prisoner reports himself to the overseer as needing medical help, this fact is to be made known to the physician in writing, and the physician at the proper time makes an examination and takes the necessary measures.

(2) *Cases of urgent need.*—When there is sudden and severe illness, accident, suicide, or attempt at suicide, the physician is to be called at once and is to hasten his efforts as far as practicable.

(3) *Simulation.*—When a prisoner is suspected of simulation he is to be carefully observed by the physician, and if the suspicion is well founded, the fact is to be reported to the director. Physicians are also to report on cases of disease which had an earlier origin and which may have influenced previous judgments of a prisoner.

The sick.—§ 46. (1) *Meaning of sickness.*—The sick person, in the meaning of the regulations, is only that prisoner who, upon medical order, is sent to the infirmary. The director may send a sick man to a cell for care and treatment, for reasons of security, or on other grounds; and in this case, so long as the prisoner is in need of medical relief, the cell is reckoned part of the infirmary.

(2) *Disposition and separation.*—The physician decides at the transfer to the infirmary what place shall be assigned. Surgical cases, epileptics, and those affected with contagious diseases are to be separated from other sick persons on medical advice. The physician decides how far the articles which have been in contact with such diseased persons may be used after careful disinfection or whether they shall be destroyed.

(3) *Treatment and care.*—All the measures for the treatment, care, and nursing of the sick are to be fixed and supervised by the physician. He must use all proper economy and keep the diet within the limits of the regulations.

(4) *Designation of the sick bed.*—Over the bed of every patient a tablet is to be placed, on which shall be inscribed the clothing number of the patient, the day he went to bed, and the diet prescribed by the physician.

(5) *Attendants of the sick.*—For nursing the sick, so far as employees are not assigned to the task, the director may detail a proper number of suitable prisoners, and the reasonable wishes of the physician are to be regarded. Male prisoners are to be attended by men, and female prisoners by women.

(6) *Cases of immediate notification.*—When a patient desires the communion or wishes to speak with the director or chaplain, the attendant must give notice forthwith to the overseer. When there is immediate prospect of death, due notice must be given to the chaplain.

(7) *Treatment of sick prisoners outside the institution of punishment or correction.*—When the condition of a sick prisoner indicates the need of a special medical treatment which can not be afforded in the institution, notification and recommendation is to be sent to the ministry of the interior. (In relation to the insane, see § 49.)

In respect to tuberculosis the following measures of the National Medical College are to be observed: (1) As far as practicable the prisoners who are affected with tuberculosis, especially those who are not yet in an advanced stage of the disease, are to be separated from the healthy men, and the physician is to take particular pains in watching for such cases. (2) Thorough disinfection of the clothing and bedding of those affected, after every use, according to methods determined by the physician. (3) The vessels used for expectoration are daily to be filled with water. (4) The cells and rooms are to be cleansed and disinfected at every change of inmates when there are reported cases of tuberculosis. (5) Prisoners who are thought by the physician to be affected shall not be employed in making articles for use. (6) Prisoners who are coughing shall not expectorate in handkerchiefs nor in a room, but only in receptacles which contain water.

Syphilis.—The transfer of syphilitic patients to the infirmary simply for the sake of their isolation from the other prisoners to avoid contagion, is not recommended in all cases, unless the condition of the patient requires him to go to bed. In case the patient is able to work he shall be kept busy, apart from others, if the physician regards it necessary. All this must be considered when suspension of punishment of a syphilitic prisoner is proposed.

Consideration of work and maintenance under medical suggestion.—§47. (1) *Procedure of the director.*—Those prisoners, and especially convalescents, who, without being actually ill, seem to require special attention in relation to labor or food on account of health, may receive it from the director when it does not conflict with the purpose of punishment and the order of the institution.

(2) *Procedure of the physician.*—On the other hand, the physician must keep in mind that such considerations may be admitted only when the health is seriously in danger, and never barely for the sake of convenience and lightening of the penalty.

Female prisoners about to become mothers, and children born in the institution.—§48. (1) *Those about to become mothers.*—In the institutions for female prisoners arrangement is to be made so that women, on the approach of their confinement, when sentence is not suspended in anticipation, which should be done so far as possible, may be given proper accommodations.

(2) *Children born in the institution.*—The director may, upon understanding with the physician, after carefully considering the personal situation of the mother and child and putting aside all reference to the labor value of the mother, determine in relation to the rearing and removal of the child out of the institution. In the record of the birth all allusion to the fact that the mother was in prison when the infant was born shall be omitted, so that the child in after years shall not be compelled to endure this disgrace.

The insane.—§49. (1) *Medical examination.*—Prisoners whose mental condition awakens doubt are, so far as necessary, to be isolated and secured until a medical judgment can be based on observation.

(2) *Medical recommendation.*—As soon as the presence of mental disturbance is beyond question, the physician is to render an opinion on the following points: (*a*) Whether a recovery is to be expected, and when this is not the case; (*b*) whether a punishment is likely to effect its purpose; (*c*) whether the prisoner seems, on account of his mental condition, to be dangerous to others and therefore should be held in an asylum; (*d*) whether the prisoner may be cared for by private persons or poor relief officers; (*e*) whether the prisoner may be transported. If the physician is not able within a month from the beginning of his observation to reach a decisive judgment, he must at any rate formulate a statement to the director.

(3) *Reports.*—The medical opinion is to be laid at once before the ministry of the interior. If, afterwards, the cure of the mental disturbance seems improbable, then the director is to recommend (*a*) whether the purpose of punishment is likely to be effected; (*b*) whether the patient can safely be left to private or public charity. These recommendations of the director are not to rest solely on the medical opinion, but also on the records of the case, on his own observations of the prisoner, on his previous life and personal character, and especially on considerations relating to the execution of the penalty or correction, and to the appropriate considerations as to rules of security, welfare, and morality.

(4) *Further procedure.*—Curable insane and those incurable who can not properly be subjected to punishment are as soon as possible to be removed from the institution of punishment or correction.

Cases of death.—§50. (1) *Notification.*—As soon as a prisoner dies information is to be sent to the board which sent him, to the nearest relations, so far as their residences are known, and to the communal board of his last place of residence. The chaplain, the Catholic clergyman, or the Jewish rabbi at Dresden, according to the confession, is to be notified.

(2) *Announcement in church.*—At the first religious service in the month there is an announcement of the deaths which occurred during the previous month, with mention of the number, but not of the names, with petition of a general nature and awakening words for the living. No specifications which distinguish persons shall be given.

(3) *Delivery for anatomical study.*—The bodies of the penitentiary convicts, of correctionals who have been delivered on the basis of §362 of the Imperial Penal Code, and such prisoners of ordinary prisons as have already served sentences in a penitentiary or had correctional supplementary sentences, will, if the season permit, be given over to the anatomists, from whom the cases will be reported to the director. Exceptions may be made by the director in suitable conditions if the burial expenses are provided for.

(4) *Autopsy.*—Every corpse which is not given to the anatomists shall be opened by the physician. In cases where the interests of the institution or of science may be served, the autopsy may be held before surrender. The results shall be recorded.

(5) *Surrender of bodies of prisoners to relatives.*—On request of relatives the corpse may be given up by the director, but all special ceremonies outside of the institution

must be omitted. The institution may not incur any expense for transportation. The police authorities of the locality where the burial is to take place are to be notified with order to watch that the conditions are met.

(6) *Burial.*—All bodies which are not surrendered or given up to relatives shall be buried in the cemetery under the supervision of an overseer. The chaplain is to be present at the place and officiate in a suitable manner. If the chaplain does not reside in the institution he is to be given prompt notice.

(7) *Marking the grave.*—The graves of prisoners in the cemetery of the institution are to be marked by a mound and a number, but any further designation or decoration, is forbidden.

(8) *Sending a record.*—The records of every prisoner who dies in the prison are to be sent, at the latest in the month following the death, to the ministry of the interior. In this record must be noted (*a*) the pages relating to sickness (§ 52, 2); (*b*) a brief medical statement relating to the duration, the probable cause, and the process of the disease; (*c*) a statement of the kind of labor which the deceased had done in the institution; (*d*) the results of the autopsy (3, 4).

Articles left by the deceased.—§ 51. (1) Articles belonging to the deceased which are left in the institution become its property.

(2) Savings of the deceased, so far as they are his own means (§ 8, 1, *a*), and property outside of that left in the institution will be paid into the general fund, in so far as they are not claimed for expenses of maintenance or indemnification (§ 7, 2), when there is an heir, in case the amount, reckoning in cost of sending, is 1 mark or over. In respect to the rewards of labor compare § 28, 1, *a* and 2.

Medical notices.—§ 52. (1) *Schedule of the sick.*—Every sick person (§ 46, 1) is to be registered after a prescribed form in the list.

(2) *Sick record.*—An account of each patient is to be kept according to prescribed forms.

(3) *Summaries.*—The physician shall make this record complete and it shall be sent, after being signed by the director, to the minister of the interior.

EDUCATION.

Religious exercises in general.—§ 30. (1) *Daily devotions.*—Daily after breakfast and after evening meals there shall be held in the dining room brief exercises of devotion, without distinction of confessions, consisting of common song and reading of a suitable passage of the Bible, or an edifying and instructive meditation. Details are left to the chaplain, who must, however, bring the proposed order to the knowledge of the director. In addition, there shall be before and after each common meal, a saying of grace by a proper person among the convicts. In the infirmary, so far as possible, in the morning, at noon, or in the evening before the distribution of the food, a prayer is offered by an attendant or a patient.

(2) *Attendance upon divine service.*—The prisoners who are in health are to attend the divine service of their confession of faith. With permission of the director, which can be granted only for urgent reasons, with notice of fact and cause given to the chaplain, a prisoner in health may remain away. Under certain circumstances, when the security of the institution or of the persons therein seems endangered by a general service, the director may take any measures which seem to be made necessary to prevent the danger, and this may include suspension of attendance upon divine service temporarily, on the part of an individual or of all. Various orders of Council of State regulate confirmation and communion of youthful prisoners, change of confession, etc.

Evangelical prisoners.—§ 31 (1) *Divine service.*—On every Sunday, holiday, and fast day a divine service will be held for the prisoners of Evangelical confession who are well; or, so far as this is not practicable, exercises of devotion. In addition, twice in the month, on work days, a divine service is held in the form of catechisation or religious conversation, connected with exercises in church songs by the prison congregation.

(2) *Hours of prayer of the sick.*—For those sick persons who can take part in it a prayer service will be held on Sundays, holidays, and fast days, by a chaplain or teacher.

(3) *Celebration of the communion.*—The holy communion will be offered six weeks after previous confession, and participation is voluntary.

Catholic prisoners.—§ 32 (1) Divine service will be held for Catholic prisoners by a Catholic clergyman as often as practicable, so far as they can not take part in Catholic worship in the locality. On other Sundays and holidays, when it can not be conducted by a Catholic officer, a prayer service will be read by a Catholic prisoner. The selections chosen for this purpose are first to be approved by a Catholic clergyman, and also be made known in advance to the director.

(2) *Holidays.*—In relation to work the Catholic prisoners celebrate the same holidays as the Evangelical, and in addition the Annunciation of Mary, Corpus Christi Day, Saints Peter and Paul, Assumption of Mary, Birth of Mary, All Saints, and the Conception of Mary.

Jewish prisoners.—§ 33. (1) *Holidays.*—For Jewish prisoners the Sundays, holidays, and fast days of the Evangelical prisoners count as rest holidays, and in addition the following eight principal Jewish holidays: Two New Year's days, Day of Atonement, first and eighth days of Tabernacles, first and eighth days of Easter, and the first day of the Feast of Weeks, even when these days do not fall at the same time with the Christian Sundays or holidays.

(2). *Religious exercises.*—On Friday evening, as well as on the morning of the Sabbath, and on the evening before their high festivals an hour will be devoted to the common worship of the Jewish prisoners, who must use the German language, and a special room shall be set apart. The eight holidays named shall be passed, free from labor, in accordance with their forms, in prayer, exercises of devotion, and reading of edifying publications, in a room separated from the prisoners of Christian faith. On the Jewish Easter festivals the sending from outside of special foods, which have been prepared according to the particular religious usages of the Jews, is permitted. These are to be given the prisoners, after taking necessary precautions. In general in the preparation of food consideration must be exercised in reference to the preparation of food for the Jewish prisoners, according to the prescribed forms.

The director is to see strictly to it that the Jewish prisoners observe their holidays and devotions in a seemly and appropriate way so far as they are known. To this end and for disciplinary purposes the director is empowered, as far as he thinks needful, to have the common acts of devotion supervised, or when they lead to impropriety to temporarily suspend them.

It is also arranged that the rabbi at Dresden shall visit, at least once a year, each of the institutions where Jews are found, to observe and consider the religious needs and to conduct religious exercises for them. The rabbi of Dresden is to be notified when Jewish prisoners are in an institution, and he shall be paid out of the funds of the institution for his visits: at Waldheim, up to 24 mark per visit; Zwickau, 36 marks; Sachsenburg, 24 mark; Voigtsberg, 40 mark.

Special forms of spiritual help.—§ 34. (1) *For the prisoners in general.*—The chaplain is to make himself acquainted with the spiritual condition of each prisoner, so far as possible, and by personal conversation, as frequently as may be, show them the way to improvement. To further this counsel the chaplain is to be informed as early as possible of important matters relating to the prisoners.

(2) Prisoners in solitary confinement must be visited frequently, and an effort made on every opportunity to work upon their disposition.

(3) *Dissenters.*—How far the chaplain is to direct his efforts to dissenters is to be judged according to the personal traits of the man, and must be decided by the discretion of the chaplain.

Instruction.—§ 34. (1) *Participation in instruction.*—Youthful prisoners will be instructed in those subjects which are taught in the public schools (Volkschule). The adult prisoners who are not yet 30 years old, capable of receiving benefit, and whose primary education was neglected, may receive the necessary instruction as far as practicable. Instruction in music is given only to those prisoners who have capacity for it. The director on the suggestion of the chaplain or in agreement with him, decides which prisoners are to be taught and in what subjects. The cessation of instruction is determined by the director on the suggestion of the chaplain or by understanding with him. The chaplain is to have an understanding with the teacher.

(2.) *Plan of instruction.*—The director and the chaplain, after consulting the teacher, draw up a plan of instruction. This plan and any changes in it are to be communicated to the ministry of the interior.

Occupation on Sundays, Fast days and Holidays.—§ 32. (1) *Cessation of regular work.*—On Sundays, holidays and fast-days there is no ordinary labor period. Exceptions are permissible only when there is necessary house-work to be done, or when, according to the discretion of the director, the circumstances require temporary continuance of the work, especially in agriculture. In such cases the reward of labor is not to be credited to the prisoners.

(2.) *Permissible and suitable occupations.*—The reading of edifying publications or of other writings which have an educational value for the disposition, according to the selection and direction of the chaplain; the hearing of lectures or recitations of the same kind; participation in the hour of instruction set for these days, as well as for other instruction which passes the limit of § 35; repairs of the articles of the institution given out for the use of prisoners, as well as of the wearing apparel given them for use; occupation which furthers the education of the prisoners, which has nothing in common with his ordinary labor, and is consistent with the order of the institution; exercise in the open air, which in some circumstances may be extended beyond the usual measure.

Discharged Prisoners.

Preparation for release from prisons when police supervision is admissible.—§ 53. When the court has declared that police supervision is legally admissible, the director, upon the approach of the day of release, is to give notice, with his own recommendation, to the county board in whose district the authority who is to receive him has its seat. To this report the records of the prisoners are added. If the county board decides to place the released man under police supervision, the director informs him in accordance with the communication of the county board.

Presuppositions in case of release of correctionals.—§ 54. (1) *Duration of the correction.*—The correctional supplementary sentence is not to be extended beyond two years, nor beyond any shorter time fixed by the police board. The time of the release is not to be counted in the two years nor in the shorter term. Youthful persons, who are not serving supplementary sentence, but on the basis of § 56 of the Penal Code, or in consequence of being transferred from the institution of the district for morally imperiled children, or otherwise sent on order, may not be retained in the institution beyond the twentieth year of age.

(2) *Shortening of the correctional time.*—The decision in respect to the release of a correctional before the time named in 1 has expired: (*a*) In case of supplementary correction, belongs to the county board on whose order the prisoner was sent; (*b*) in other cases to the ministry of the interior.

Therefore the director when he thinks the time come for the release of a correctional before the time mentioned in 1, either after a prisoner's release or, exceptionally, without such, after hearing the council, shall send a report and recommendation, together with the records of the correctional, to the appropriate authority (*a* or *b*). In this connection regard is had to the conduct and disposition of the correctional as well as to attending circumstances, season of year, prospects of employment, etc. The duration of the correctional supplementary sentence will not be reduced below half the time fixed by the police authorities of the district and never under three months, and in general only then when the conduct of the correctional justifies the expectation that the object of the supplementary correctional sentence may be attained in a shorter period than the one assigned, or when there are grounds in the circumstances of the family and employment of the correctional which make the shortening of sentence desirable.

In respect to correctionals who are to be sent out of the country at their exit from the institution (§ 57, 3, 4, 5), or in reference to whom it is surely expected that they although not sent out of the country will go out and not return, the report on release shall be sent as soon as possible, and in no case shall be delayed beyond three months from the day of release. This last-mentioned procedure may also be applied to such correctionals as belong to the country who have endeavored to secure committal to the correctional institution for temporary support. Only here it remains within the discretion of the director whether in place of a report of release there shall be a parole at once.

(3.) *Lengthening of the supplementary correctional sentence.*—On the other hand the supplementary correctional sentence fixed by the district police authorities at less than two years, in case of bad conduct during the period of sentence or of parole, may be extended upon advice of the director. If the director regards such extension as necessary he is to recommend it to the district police board.

(4.) *Release without previous notification.*—If the correctional reaches his twentieth year during the correctional sentence before the end of a term of two years, or of a shorter term fixed by the police board of the district, or in case of youthful persons who have not served a supplementary correctional sentence, then the correctional is to be released without previous notification, and a report of this fact goes to the county authority where it is a supplementary sentence, otherwise to the ministry of the interior.

Release.—§ 55. (1) *Time of release.*—The prisoner will be released on the morning of the day on which his sentence expires, and he receives on this day only his customary breakfast. When several persons are released on one day an exception to the foregoing rule may so far be made in respect to the time of day as is necessary to reduce the difficulties of the police in dealing with a considerable number. In general the time of discharge shall not be made known to other prisoners when it can be avoided.

(2) *Warning.*—Before his discharge the prisoner is to be warned of the consequences of a repetition of his offense. In the case of men who are to be sent out of the country, it is to be noted on the certificate of release that, in case of violation of rules and return to Saxony, the penalty announced in §§ 361–2 of the Penal Code is to be expected.

(3) *Ability to travel.*—The physician decides in each case before release whether the prisoner is able to travel or whether he can and should be transported.

(4) Sick persons not able to travel who remain in the institution until they are stronger, shall be removed from the list of prisoners and no longer treated as such, but they are subject to such restraint as the director thinks necessary. If any damage arises out of neglect of the prescriptions in § 39, *ff.* of the poor relief orders of October 22, 1840, those officials are held responsible who knew of the sickness of the prisoners but failed to give timely notice to the director.

(5) *Savings, articles of property, personal certificates, and rewards of labor* (cf. § 56).—Savings funds from their own means, and property held for the prisoner by the institution, so far as not required to cover the cost of maintenance or indemnities are to be handed over to the person released; but when there is transportation, to the officers of transportation, or in the presence of the released person to the agent of the carriers. Articles, in respect to whose restoration there is occasion for doubt for reasons of safety or morality, are to be handed over to the police board of the place where the institution is situated, with an inventory. The personal certificates of the person to be released, kept in the institution, in case there is a compulsory pass, are to be sent to the police board of the place of destination, or if it is an order to or through Austria-Hungary, to the police of his home residence. But if there is transportation it shall be given to the carrier, it may be by the hand of transporting agents.

(6) *Money for travel.*—So far as the means of the person to be released do not suffice to cover the cost of the journey and immediate support, there will be given a lump sum, and so far as this also is insufficient, out of the general savings fund. But if there is transportation, it will be paid to the official or to the carrying agent in presence of the prisoner.

(7) *Clothing.*—If the released person neither possesses sufficient clothing himself, nor means to buy them, the necessary aid will be given out of the general savings fund.

Procedure with the reward of labor.—§ 56. (1) *Sending to proper place.*—At the release of the prisoner the reward of labor credited to him, so far as it is not already expended to cover expenses of travel or required for immediate expenses is to be sent, at the discretion of the director, according to circumstances, to a suitable place (Society for Aiding Discharged Prisoners, local clergy, or other reliable persons), or to the magistrate of the place of destination, that it may be expended according to the needs of the prisoner or given into his hands. At the same time the prisoner is to be distinctly informed that he has no claim on this fund; but, so far as not already expended or given to him, it still remains under the control of the director.

(2) *Payment to the discharged person.*—When the character of the discharged person is such that there is no reason to fear an improper use of the money on the journey, the reward of labor may be handed to him directly.

(3) *Extra gratuity when a man is sent out of the state.*—Those prisoners who are about to be discharged and sent over the border, especially if they are going to their legal settlement outside the Kingdom of Saxony, receive all their savings and reward of labor. In case of transportation the reward of labor, with the other savings, is paid over to the transportation official, or in presence of the released person to the agent of a carrier.

Future residence.—§ 57. (1) *Assignment.*—A place of residence is to be assigned to the prisoner (from penitentiary, common prison, or correctional institution) before his discharge, so far as practicable, if it is not already fixed by (3), (4), (5), his own wishes being also considered.

(2) Requirement to go to a certain place occurs only when the released person is placed under the supervision of police (§ 53), except in cases (3), (4), (5). Released prisoners to be under police supervision will be sent to the place of legal settlement, unless another is assigned; and, if there is no such place, to that locality in which he lived before being sent to the institution; or, when this delivery was preceded by a term pending trial, in the place of residence before that term began. At the time of release the prisoner is warned that there is a maximum penalty of fourteen days' detention for neglecting to announce his presence to the police in his new place of residence as soon as he enters it, or within twenty-four hours; and that he is liable to the same penalty if he leaves the place without informing the police of the place to which he is going, or in this last place fails to notify the police.

(3) Aliens (from penitentiary, common prison, or reformatory) who do not belong to the German Empire shall be sent over the border, except in cases where, on the advice of the director and where there is no ground for doubt, the county court decides otherwise; but if the county court has ordered exile beyond the imperial territory, then he shall be sent out of the Empire.

(4) Citizens of the Empire, prisoners in penitentiary, common prison, or reformatory, who do not belong to the Kingdom of Saxony, and on other grounds than temporary incapacity for employment are without occupation, and in no other way can gain their living and receive no certificate of confidence, are, if they have a settlement outside the Kingdom of Saxony or (in Bavaria and Alsace) a residence, to be sent thither.

(5) Citizens of the Empire, prisoners in penitentiary, common prison, or reformatory, who do not belong to the Kingdom of Saxony, and who are refused residence (according to § 3, 2,—law relating to free travel) in the Kingdom of Saxony by the county court as police authority of the state, are likewise to be sent over the border.

(6) *Securing reception at home.*—Early notice, in case of a remote state, as France or Russia, if possible five months before release, shall be given, when an alien is not only to be sent away but also referred to a particular place. The records are to be sent to local authorities and an effort made to secure the reception of the prisoner.

(7) Exile, as indicated under (2–5), takes place when transportation is not necessary, without further intervention of the director, even by so much as a compulsory pass, and the certificate of release serves as such pass when it prescribes the route (§ 58, 1). To the compulsory pass, when the exile is to be to or through Austria-Hungary, is to be affixed an authentic copy of the proof of state and settlement connections and of the foreign local authorities. If transportation is necessary it is left to the police authority where the institution is located, or, in case of correctionals, to the board which committed the prisoner.

Certificate of discharge.—§ 58. (1) *Certificate.*—Every person released receives a document in prescribed form in evidence of having served his sentence in prison or reformatory. On the certificate is to be inscribed the amount of money given to the prisoner or his transporter, as well as money for travel. If a certificate of confidence is granted or police supervision ordered, the fact must be noted on the certificate of discharge, and the extent of supervision described. If a prisoner refuses to accept such a certificate of discharge, one must acquiesce; but the police authorities which are to be notified are to receive information of the facts.

(2) *Certificate of confidence.*—To those prisoners whose conduct in the institution justifies the director in expecting them to avoid conflict with the penal code, will be granted a certificate of confidence, whose value is that it secures for the discharged person the right to reside in a given place without liability to be removed by the police.

(3) A certificate of character of prescribed form is given to one who can not be granted a certificate of confidence, but whose conduct in the institution has been satisfactory, and this document will contain an opinion as to his conduct in the institution, as well as a general description of his character and moral condition.

Notification at discharge.—§ 59. In case of release of prisoners from the institution (not on parole, § 60, 8), notification is given to:

1. In all cases to the authority which committed the prisoner, and to the police boards of Dresden, Leipsic, Chemnitz, and Zwickau; and also,
2. To the local police authority of the place selected for residence, and the district magistrate (in Dresden to both magistrates), (*a*) in case of penitentiary convicts, when certificates of confidence are not granted, and yet police surveillance is not ordered; (*b*) in case of penitentiary convicts and men from common prisons, where police surveillance is ordered and exile is not decreed, a certified copy of the notice of commitment with the full record, and of the decree of the police authority of the county ordering supervision.
3. To the local police and county magistrate of those places where residence of the prisoner is prohibited (in Dresden to both magistrates), notice also being given whether and to what extent police supervision is ordered (2, *b*).
4. In case of penitentiary convicts and men from common prisons when exile and police supervision are ordered, (*a*) to the local police of the future place of residence, a certified copy of the notice of the record of commitment, and of the decree of the police authorities of the county ordering surveillance; (*b*) to the police authorities of the place where residence of the prisoner is prohibited, and a declaration whether and to what extent police surveillance is ordered.
5. To the editor of the Police Gazette (Gendarmerieblätter) in cases under 2, *b* and 4, as also with all prisoners where exile from the country is decreed without police supervision.

6. To the pastor of the future place of residence and also to the Society for Aiding Discharged Prisoners when the latter is not represented by the clergyman of the future place of residence in cases where exile is not ordered.

7. All notifications are to be sent in good time before the release, those under (6) at least half a month before discharge. * * *

8. In the Kingdom of Saxony the local police, for cities with revised city ordinances the city councillor, for other cities the mayor, for rural communes the president of the commune, for independent estates the supervisor of the estate. * * *

Parole (Beurlaubung) and provisional release of prisoners of penitentiaries and of common prisons.—§ 60. (1) *General regulation.*—Parole upon royal decision of grace and provisional release under § 23 of the Penal Code (upon decision of the ministry of justice) can never be claimed as a right by any prisoner. In respect to requests for parole and provisional release see § 62.

(2) *Reports.*—In the reports which are to be made to the ministry of justice the director will give his opinion as to these conditions: (*a*) Whether the prisoner has conducted himself well in the institution; (*b*) whether he has given proof of improvement, so that he may be released with the hope that he will obey the laws and win again the confidence of his neighbors; (*c*) whether the prisoner has means of supporting himself and holding fast to his good resolutions; (*d*) whether, in case of provisional release, which is limited to prisoners who are undergoing a limited sentence in a penitentiary or in a common prison, the prisoner has already served three-fourths of his term, at least one year, in the institution. In this report the records of the prisoner, and the statement that the prison council has considered the matter are to be added. If the director becomes acquainted with circumstances which he considers an objection to release, even after the report and order for release and before the departure of the prisoner, supplementary notification is at once to be sent, and, until further order, the release is to be deferred.

(3) *Departure of the prisoner.*—At the departure of the paroled or provisionally released man the prescribed rules (§ 55, 1, 2, 3, 5, 6, 7, and § 56) are to be carried out. It still remains in the discretion of the director, according to circumstances in the interest of the paroled or provisionally released prisoner, to retain a suitable part of his savings fund for a time, at longest until the final release. Instead of a certificate of discharge the prisoner takes with him a pass, with a note of the route he is to follow to his place of residence, on a prescribed form. The directions on the pass are to be distinctly explained to him.

(4) Notifications, according to a prescribed form, are to be sent to the local police of the place of residence and to the district magistrate (at Dresden to both magistrates) and to the clergyman of the place of residence.

(5) A list of the paroled and provisionally released men on a prescribed form is to be always kept at the institution, and on the basis of this list and the entries in the record of release the period of the pass will be controlled.

(6) *Sending in of the pass.*—The pass is at latest five weeks, and certainly in case of parole on royal act of grace before the expiration of the parole, and in case of provisionally released men before the expiration of the term of sentence, to be returned to the director. If the report is not sent back and the local police be reminded, a suggestion of apprehension of the prisoner is made, and information is given to the ministry of justice for the purpose of bringing back the prisoner.

(7) *Recall.*—A prisoner who is brought back from parole or provisional release is at once after his reentrance into the institution to be informed of the reasons. The cost of equipping the prisoner may be paid out of the savings or out of the general fund.

(8) *Final discharge of paroled and provisionally released prisoners.*—When a recall is not ordered by the ministry of justice before the expiration of the sentence, or in case of parole on royal act of grace before the end of the parole, then the final discharge follows, with entire removal of the obligations to the institution and with the sending of certificate of discharge, as well as of the certificate of confidence and the savings, so far as the latter remains, to the police of the place of residence to be handed over to the prisoner. The ordinary notifications may be omitted when the person released is provided with a certificate of confidence.

Parole of correctionals.—§ 61. (1) *Parole as condition of release.*—The correctionals have ordinarily to pass through an intermediate stage, the time of parole, during which they are subjected to the discipline of the institution. Exceptions are permissible only when (*a*) a certificate of confidence may safely be granted the correctional with immediate release; (*b*) when the correctional at his exit from the institution is to be exiled from the country, or, though not exiled, yet will leave at once and not return.

(2) Decisions in relation to parole, whether and at what time it shall be given the correctional, are left to the director, who must consider the conduct and character of the correctional, and other circumstances, as season of year, employment, etc. One condition of parole is usually the assurance of employment. The parole is not, as a rule, to be deferred so long that in case of recall to end of term of sentence the time will not be long enough to make a further attempt at parole possible. In case of supplementary incarceration the parole shall never occur before the expiration of three months after the commitment. In case of youthful persons who are not undergoing supplementary correctional sentence if there be for parole not more than the first half year, then at the expiration of that time, without further delay, a report of conduct is made to the ministry of the interior.

(3) A situation for the paroled man must be secured by the director in correspondence with the police authorities. So far as possible this is to be secured outside of the place of legal settlement and not remote from the institution. Only in cases in which, as with aged, feeble, and incapable persons, a home elsewhere is impracticable and further incarceration is not desirable shall the accommodation be left to the poor authorities in the place of settlement. In the case of correctionals the decision of the director in respect to accommodations is final. The paroled prisoner, in case of prolonged change of place, or of an occupation which requires him to travel on business or as an assistant in a craft, must have the consent of both director and police.

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(5) *Duration of parole.*—This is usually one year. If at the expiration of the parole neither discharge nor recall is advisable, the director can extend the parole from year to year or make it a shorter time. The director in such cases must set down on the pass the proper additions and send notifications, as at the original parole.

(6) *Procedure when the parole pass is held back.*—When the pass of a paroled person has not come in by the twenty-eighth day before the expiration of the parole the director proposes to the police of the place of parole the immediate redelivery of the paroled person if the holding back is due to his own fault, and at the same time proposes an apprehension of the person if he should remove from the place voluntarily.

(7) The recall of a paroled person may occur when his conduct does not conform to the conditions of parole. Decision belongs to the director. This applies in particular when the paroled person has a term of imprisonment to serve during the period of parole. If this happens to be in an institution of the country, then the decision relating to subsequent recall is to be based on an opinion furnished by the director of the prison. The recall thus decided upon is accomplished by the request of the appropriate police authority. If there remains of the supplementary correctional penalty fixed by the police authority of the state at less than two years too short a portion at the recall from parole, so that there would not be enough to complete the correctional term, then its extension is recommended to the district magistrate. If it happens that the recall from parole in the case of a youthful offender not committed for a supplementary correctional sentence occurs shortly before the completion of his twentieth year, then it must be considered whether it is not advisable, on account of the brevity of time remaining for the continuance of the incarceration to forego the recall. When a paroled person does not retain the employment secured for him in the country, but goes to another state, and it is probable he will not return, then recall may be omitted, and also notification of immediate and final discharge. Also by consent of the local police in cases where there is no doubt the recall may be omitted.

(8) *Procedure after recall.*—The recalled person is to be informed of the reasons by the director. The person recalled may be subjected to disciplinary punishments for violation during his parole of rules prescribed. Expenses for providing for the paroled person outside the institution are to be paid by the director out of the savings, or, according to need, out of the general savings fund.

(9) *Release of paroled persons.*—The discharge of paroled persons is accomplished by entire removal from the list of prisoners of the institution, and by sending the certificate of release, as well as the certificate of confidence and the remainder of savings credited, to the local police authority of the place of residence to be handed over to the discharged person. If the paroled prisoner is nearer to the prison than to the office of police, or not farther, the director may himself hand over the documents and savings and convey the customary warning. The local police of the place of residence is to be informed of the discharge. In other cases the notification will be sent only to the board which committed and to the police of the cities of Dresden, Leipsic, Chemnitz, and Zwickau, but when a youthful offender, who is not bound to

a supplementary correctional sentence while on parole, has completed his twentieth year, and therefore under § 54, 4, is to be discharged without previous notification, the ministry of the interior receives the prescribed notice.

Petition for release from punishment or for change of punishment, for parole and provisional discharge, on the part of prisoners in penitentiaries or common prisons.—§ 62. (1) *First time of petition for release or change of punishment.*—When a prisoner for the first time wishes to present a request for entire or partial release from punishment, or for a commutation of the penalty, as an act of grace, the director is to receive it and transmit it with the minutes relating to grounds to the proper police authorities which committed him, and even, if proper, the written request of the prisoner.

(2) *Repeated requests.*—But if a petition has already been sent to the place of highest resort by the prisoner or for him, and a decision been received, then it is permitted the prisoner to proffer another request, when his term is two years or more, after the expiration of half his sentence; and, if he is confined upon a life sentence to the penitentiary, after the expiration of fifteen years. If the sentence is for less than two years then it is left to the discretion of the director whether a second petition may be accepted after expiration of half the sentence. If under the foregoing rules it is permitted to bring a second request, then the director is to furnish a report with records to the ministry of justice; but when military offenses are involved or are more serious than others the request goes to the ministry of war.

(3) *Requests for parole and provisional release.*—If a request is preferred by a prisoner for an act of royal grace and parole the prescribed rules (1, 2) are applicable, only with this difference, that these requests in any case shall be sent to the ministry of justice, § 60, 2, being followed. In case of request for provisional release (§ 23, Penal Code) the procedure is after § 60, 2. But the director is authorized to refuse such a request if it does not meet the requirements of § 60, 2, *a*, *d*. If a petition for provisional release is refused by the director (cf. previous section) or by the ministry of justice, and if appeal is then taken to royal grace, the procedure is to be as in preceding section.

(4) In forwarding a petition, when the conduct of the prisoner gives occasion for special remark, or when the director thinks of any material consideration bearing on the decision, he is to add to the report a statement suitable for the purpose.

WURTTEMBERG.

The regulations emanate from the ministry of justice at Stuttgart.

Conference of Officers.

§ 85. According to need, but at least once in two weeks, the conference of the officers of the prison under the presidency of the director shall take place. In these conferences, which are composed of the director, chaplain, physician, teacher, and, in Ludwigsburg, the inspector, the observations upon individual prisoners and on the general condition of the institution, as also regulations and propositions and various forms of business proper for such conference, shall be considered. Other officers of the institution and assistants may occasionally take part.

Reception of Prisoners.

[House Regulations of the Penitentiaries (Zuchthäuser), March 4, 1899. Stuttgart, Ministry of Justice.]

RECEPTION, ASSIGNMENT, AND SUPERVISION OF PRISONERS.

Reception of prisoners.—§ 1. The reception of prisoners into the institution occurs upon the ground of a written authorization of the board of execution of punishments. * * * Compare the authorization of the ministry of justice in relation to the execution of punishments ordered by the civil courts and military orders. * * * Every new prisoner is brought before the director of the prison, and the director immediately upon examination of the certificate and assurance of the identity of the person orders his reception if there is no reason for refusal. At his reception the prisoner is assigned his moral class, his occupation, and so far as practicable it will be decided whether he is to go to a cell or to congregate incarceration. The prisoner is instructed to observe the house rules and told that he will find a copy of them in the room assigned him, and he is warned of the consequences of an attempt to escape. The extent of his term will be made known to him. Finally the prisoner is introduced to his guard.

§ 2. Next the prisoner will be carefully inspected and cleansed, bathed, and supplied with uniform of the house, unless there is evidence that the physician should at once examine him. Male prisoners will be shaved, and when desirable the hair of the head will be cut short. The physical examination and cleansing, before which the prisoner must be undressed, occur under the supervision of a female assistant if the prisoner is a woman.

§ 3. Within twenty-four hours the house physician is to investigate the condition of health of the prisoner. When the prisoner is a woman, a female assistant must be present. A brief medical opinion in respect to the physical and mental state, health, previous life, heredity, development, etc., and whether the person may properly be placed in a solitary cell, is to be attached to the personal record of the prisoner.

§ 4. The director is to be informed of the results of this double inspection, which must be made in a suitable place, propriety being observed, if there is anything which calls for attention, or if disease is manifest. If there is any special mark of distinction which had not hitherto been noticed, it shall be marked upon the record of the person. Before the inspections the person delivered is not to be brought in contact with other prisoners.

§ 5. Every new prisoner, within eight days after his admission into the prison, shall be introduced to the chaplain of his confession.

§ 6. According to the results of the previous inspections, the director will take occasion to bring the prisoner before him and make the proper orders.

§ 7. In the record of reception and discharge will be entered the day and hour of the reception, the name of the person, the contents of the certificate and sentence, the punishment assigned, and its period, the day, hour, and ground of discharge.

§ 8. The clothing and other effects found in the possession of the prisoner at his reception will be held for him by the institution. If the articles are not suitable for keeping in the institution for any cause they may be sold on order of the director for the benefit of the prisoner or by permission sent to the relatives. Articles preserved by the institution will be recorded and the list signed by the prisoner.

§ 9. In the case of redelivery of prisoners released for a time or escaped, the same regulations are to be followed unless departure from them is advisable in the nature of the case.

Assignment and supervision of the prisoner.—§ 10. The penitentiary sentences will be served in special buildings. Where such an arrangement is not practicable, the living, work, sleeping, and recreation rooms for penitentiary prisoners will be kept entirely separate from those of other prisoners. All communication between prisoners of different classes is forbidden. This applies particularly to common worship and school instruction.

§ 11. Female prisoners will be placed in special divisions.

§ 12. The placing of prisoners in isolated cells or in common rooms, and the transfer of isolated prisoners to congregate rooms is in the control of the director alone. The last form of action is to be communicated to the conference of officers of the prison.

§ 13. The cellular treatment is to be carried out so that the prisoner is kept alone in his cell separate from all other prisoners. The separation must be carried out so far as possible in taking exercise outdoors, in school and church, and whenever the person is not in his cell. Isolation can not be continued more than three years without consent of the prisoner. (Penal Code, § 22.)

§ 14. The cellular treatment may not be applied or must be broken off if there is danger of injury to the physical or mental health of the prisoner.

§ 15. The cellular treatment is to be chosen when: (1) the person is not yet 25 years of age; (2) when he has never before served a term in penitentiary, common prison, or incarceration (jail). In general those prisoners are suitable for cellular treatment who are regarded as capable of improvement and in danger of contamination in congregate rooms. The cellular treatment is also applicable to those who are dangerous to their fellow-prisoners, or through excitability, viciousness, bad temper, obstinacy, etc., disturb community life. Those who would suffer unusually from association with criminals, owing to their previous educational conditions of life, are also to be placed in cells.

§ 16. Every prisoner in a cell is to be visited at least four times daily. Visits of persons not officers of the prison are to be counted. Visits must be made by the director and the house physician to each prisoner at least once in each month, by the chaplain of his confession and the teacher (if he is at school) at least once in fourteen days, and by the overseer of the cell house at least once in each week. In addition, the attendants of the ward are required to make visits to the cell several times each day.

§ 17. In congregate imprisonment the prisoner is regularly, at least by day, kept with other prisoners. Separation of prisoners at church services and schools and during exercise is not excluded. In the division of prisoners in rooms for work and sleep, assignment of places at divine service, during instruction, and meal times, consideration must be had for the personal character of the prisoners, and the separation of those not spoiled from those who are likely to exert a depraving influence. Recidivists, especially offenders against property, should be separated as far as may be in special rooms. During the night prisoners must be kept apart unless there is some special reason for keeping them together.

§ 18. Prisoners must be constantly watched. For congregate rooms there will be at least one guard for each sleeping or work room. For the immediate supervision of female prisoners women alone shall be employed. Trusted prisoners may be selected to assist the guards.

Rules of Conduct.

TREATMENT OF PRISONERS.

General directions.—§ 19. All prisoners must be treated according to common principles. Assistants and directors are forbidden to give arbitrary advantages to some prisoners over others.

§ 20. The treatment of prisoners shall be strict, but also just and humane. The purpose of improvement shall not be forgotten in carrying out the punishment. Regard must be had for the health of the prisoner so far as is consistent with the ends of punishment and the order and discipline of the prison.

§ 21. The prisoners must abstain from all conversation which is not necessary for common life and work. Immoral communications which look to punishable acts are forbidden. Intercourse of prisoners with officials shall be restricted to what is necessary.

§ 22. The prisoners are to be addressed by all officers and servants with "Sie" (respectful address), and only when several persons are spoken to together may "Ihr" be used instead of "Sie."

§ 23. Questions and requests of a prisoner are to be orally communicated to the guard or overofficer. When a prisoner wishes to apply to the director with a question, request, or complaint, he applies to the guard, who must report it. The director must at latest the next day hear him. Only in urgent cases may the request be sent before the hour for reports. If a prisoner wishes to send in his complaint in writing he shall be afforded the means under the usual precautions. If the complaint of the prisoner is against the director himself, this official must send notice of it at least within a week to the board of supervision. The visiting inspectors representing the board of supervision at least once in two years shall give the prisoners opportunities of laying before them complaints or requests.

§ 24. It is permitted prisoners to lay complaints before the board of supervision on account of neglect of the provision of the law of executing sentences—so far as judicial decision under § 490 of the Code of Penal Procedure is not to be introduced—in respect to illegal treatment or treatment contrary to the house and service rules, and in respect to infliction of disciplinary punishments. In these cases the prison college is to decide. Complaints reported more than a week later than the time affirmed of the act complained of will receive no notice. A complaint will not defer action. Against a decision of the prison college a prisoner can appeal to the ministry of justice within a week.

§ 25. The permission of the director must be obtained for handing in complaints to higher authorities, prepared by himself or an authorized person (not by a fellow-convict), and the director may not refuse permission without good reasons. Petitions to the courts, state counsellor, and board of supervision must not be held back. Petitions to other boards will be held back if they are of scandalous or punishable character. If a request is retained the prisoner must be informed of the fact and the reasons for it.

§ 26. Permission to have oral or written communications with persons residing outside the prison is granted only when the director has information and gives consent, under the rules.

§ 27. To prisoners is permitted once in three months, as a rule, to receive visits from relatives in presence of an officer of the institution. The director may in special cases permit visits from other persons and without watching. Visits from persons of opposite sex are not permitted with the exception of near relatives. As a rule, several prisoners shall not be together. On Sundays and holidays no visits, as a rule, are permitted.

§ 28. Conversation is carried on in a place where visitors are separated from the prisoner. Conversation must be carried on in a voice and language which the guard can understand, and shall not continue, as a rule, over one-quarter of an hour. The guard must see that no improper communications are made in the conversation, and no money or other articles handed over. If the visitor wishes to give anything to the prisoner he must secure permission from the director.

§ 29. A prisoner may send four letters in a year. After securing permission from the director the prisoner writes his letter outside of work hours under supervision of a guard and on paper furnished by the institution. All written communications are subject to the director's inspection. If a letter sent is not delivered to the prisoner or one of his letters is not sent he must be informed of fact and reason. Letters to which objections are made are to be filed with the personal record. When a letter is received and objected to it may be returned with reason to the sender. In a similar manner other matters sent are to be treated, and also articles sent by the convict. The director determines whether the objectionable writing shall be returned to the prisoner after being read or whether it shall be preserved until he is released.

§ 30. In urgent cases the regulations of §§ 27–29 may be set aside by the director. It is also permitted to the director to increase the number of visits and letters where conduct shows the privilege is deserved. On the other side, the director may for disciplinary reasons temporarily suspend the privilege of letters and visits or diminish them.

HOUSE RULES FOR PRISONERS IN PENITENTIARIES.

1. Every prisoner has the duty to subject himself to the order of the house and other regulations, to treat the officers with respect and obey their commands without question, and follow the instructions of guards. 2. Prisoners must refrain from all conversation, communication by signs or gestures, which are not required by the common work and life. Immoral talk or communications which relate to punishable acts are entirely forbidden. Intercourse with officers is restricted to what is entirely necessary. 3. Prisoners are to live in peace, refrain from all abuse, strife, cursing, and violence, and not disturb each other at work, rest at night, prayer, or reading. 4. When a prisoner wishes to offer a complaint, request, or inquiry he must ask permission to speak by a sign to his guard, and when this permission is given must lay his request before the officer in few words and modest manner. 5. All must rise in the morning and retire at night at the signal. 6. The prisoners must keep their bodies, clothing, and beds, work and sleeping rooms clean, as well as other rooms of the institution. They must wash their faces and hands in the morning, rinse out the mouth, comb the hair, make the bed, clean and ventilate the room, empty and cleanse the wash vessel. 7. In going into the workroom, sleeping room, church, school, and recreation grounds, the prisoners must walk in the prescribed order, one behind the other, and none may go out of the ranks. The same order is to be observed in returning. 8. No prisoner may leave the place assigned him without permission of the guard, cases of necessity excepted. The privy shall not be entered by more than one prisoner at a time. 9. The work which is assigned to a man to do must be completed correctly in the time, and no one may permit another to do his work for him. 10. Prisoners must treat the utensils of the room and work, and all articles intrusted them with care, and must be careful with fire and light. One who injures property out of malice or recklessness must make reparation.

11. During the work hours no prisoner may be idle even if he have completed his task.

12. No prisoner may hold anything in his possession aside from the clothing and utensils assigned him, but must give up everything to the house master. Especially is the possession of money, jewels, knives, ropes, files, hammers, and other tools forbidden.

13. All trading with food, clothing, or other articles, all lending and borrowing, all giving and receiving, is forbidden to prisoners among themselves and with officers.

14. Prisoners may not take food away from the dining room. The use of tobacco in all forms is forbidden.

15. Playing with cards and dice, and all playing for stakes is prohibited. The director decides how far other amusements may be permitted.

16. Prisoners must refrain from all attempts to communicate with persons outside unless the director is informed and consents.

17. Strangers who come into the institution may not be greeted, addressed, nor asked for favors, and, without permission of the director, may not give to or receive from prisoners.

18. Prisoners who seek to stir up other prisoners to disobedience to officers or to other trespasses against house rules, or to induce flight, riot, or mutiny, must expect severe punishment; while those who give timely information in respect to such instigations will be suitably rewarded.

Violations of these regulations will be punished in accordance with law.

DISCIPLINE.

Prisoners are divided into three moral classes.—§ 31. Prisoners recently received shall be placed in the second or third class, according to the kind and circumstances of the crime for which they are sentenced, and according to the character revealed by previous life and habits. If a person has not previously been punished for serious crime he is at once to be placed in the second class, unless there are reasons to suspect him of special depravity or of being dangerous. Promotion to a higher grade is conditioned on a long period of good behavior in the institution. Promotion to the first grade occurs only after the convict has behaved well in the second class for six months. A convict may be sent back to a lower class at any time for bad behavior. The director decides promotion and degradation of rank. In the officers' conference the transfers are to be made known.

§ 32. From the first class, as a rule, the care takers of rooms, court keeper, cleaner, nurses of sick, and kitchen workmen are selected. In all cases in which the behavior of the prisoner is regarded under the house rules the class to which the prisoner belongs is to be considered.

§ 33. The conduct of prisoners and the order of daily duties is prescribed in special house rules by the director. These rules are to be posted in the rooms and must be read quarterly.

§ 34. The particular duties of officers and guards are contained in special-service rules. The tasks of trusted convicts, nurses, and court keepers are also prescribed by rules.

§ 35. The prisoner is required to repay the cost of executing the sentence when he has property or means of earning income, so long as his family is not made to suffer thereby. Compare rule of ministry of justice, June 29, 1875.

Disciplinary punishments, rewards.—§ 70. Lapses of prisoners in relation to rules of the institution will be reproved by the supervising board; in lighter offences by the director * * * In addition to reproof and removal or diminution of regular privileges and pleasures—§ 30 (visits and letters), § 38 (luxuries), § 45 (exercise outside), § 58 (additional earnings), § 63 (extra occupation on Sundays and holidays), § 69 (books and papers)—other forms of discipline are: (1) Solitary confinement up to six weeks; (2) diminution of food every other day, but not longer than one week; (3) dark room, not longer than one week continuously; (4) chains.

§ 71. *Diminution of food.*—(*a*) Withdrawal of midday meal; (*b*) restriction of bread portion to 625 grams a day with water. Those who are given diminished diet must work and eat—or at least eat—apart, so that they can not procure food from others.

§ 72. Solitary confinement may be ordered by the director of a prison for one month, by the college of prisons for six weeks. Solitary confinement will be in a lighted cell, and work will be carried on. It may be made more sharp by denying work and giving a hard bed for one week. The prisoner is excluded from the religious service and instruction, and permitted exercise in the open air only so far as the physician declares is necessary for health.

§ 73. Dark arrest is carried out in a cell fitted for the purpose and without bed. No work is done.

§ 74. Chains may be used only where there is danger of escape, resistance, violence, and threats against others, or for similar reasons. The use of chains is applied with the following grades of severity: (*a*) Rings may be applied to the lower leg in such a way that walking is not rendered impossible, for a period of four weeks; (*b*) fastening close, either alone or with solitary or dark cell, during three days, but only six hours in twenty-four; (*c*) laying on of iron rod for not more than three days; (*d*) fastening to the wall for fourteen days at most. The above for male prisoners. In case of female prisoners permissible methods of using chains are the laying on of iron chain connecting arm rings or foot fetters so connected with light chains that walking is not made impossible. For temporary restraint of actual resistance, when other means are not sufficient, the strait-jacket or chaining may be used.

§ 75. The infliction of disciplinary punishment must be after a summary trial, in which the prisoner shall have an opportunity to answer to the accusation. It is left to the discretion of the director or proper supervising board to decide what measure to apply, taking into account the circumstances of the lapse, the degree of guilt, and the disposition of the prisoner. Several disciplinary punishments may be used together. In relation to measures which may affect the health of the prisoner, particularly those mentioned in § 71 to § 74, the physician must be heard before the sentence is carried out. In cases where delay is not possible the recommendation of the physician may be made during the infliction of the sentence.

§ 76. Prisoners may appeal from the director against the penalty and against any of his decisions, according to § 24, to the college of prisons, or can appeal from the college of prisons to the ministry of justice; but an appeal will not delay the infliction of punishment. If a prisoner, after the course of his punishment, has still a disciplinary penalty to endure, this must be undergone in the arrest cell of the prison. Every punishment will be recorded in the personal record of each prisoner.

§ 77. No right to order punishment belongs to other officers or guards. Yet a house master or foreman may place a prisoner in an arrest cell for direct resistance, but notice must be given at once to the director.

§ 78. Prisoners who have conducted themselves particularly well may receive extra encouragements and rewards: (1) Transfer to a higher moral class, with permission to procure luxuries; (2) increase of privileges of receiving visits and sending letters; (3) employment upon more agreeable work; (4) higher rates of reward for work, within fixed limits; (5) a prisoner who has served three-fourths, at least one year of his time, and has behaved well in this period, may, with his consent, be provisionally released, according to the terms of § 23 of the Penal Code. This provisional release, whose grant comes from the ministry of justice, may be proposed by the director of the prison, after conference with the officers, or by the college of prisons, only when, in addition to other conditions, the prisoner has shown during his time by good behavior that moral improvement has begun, and that confidence may be reposed in him in the future; and, in forming a judgment, the entire conduct of the prisoner during the term of punishment, his previous life, and his entire character, must be taken into account. * * * (6) In relation to prisoners whose sentence states that supervision by the police is allowed, a remanding to the local police may be ordered after a hearing of the prison administration. (§§ 38, 39 of Penal Code of Empire.) The prison administration may give a recommendation to the police in respect to the supervision some time before discharge on the ground of observation of his conduct by the officers during his sentence. Conduct in the prison will be a decisive factor in respect to police supervision. (7) A prisoner who has long conducted himself well may be recommended to grace. The praiseworthy actions of each prisoner, as well as his faults and punishments, his transfers from class to class, shall be entered in his personal record.

ORGANIZATION OF INDUSTRY.

§ 52. Prisoners capable of labor are required to work at tasks carried on in the institution. The mode and measure of work must be suited to the physical condition of the prisoner.

§ 53. The kinds of industry will be fixed by the college of prisons in correspondence with the administration. The work for the institution shall be done by the prisoners themselves as far as possible. In general the selection of occupations shall be based on considerations not only of income, but also the improvement of the prisoner and fitting him for industry after discharge. The sale of products must be so conducted as to do the least harm to private industry. Especially must there be an effort to limit the contracting of labor as far as practicable to divide the industry among many kinds, and to employ the products for state uses, and always to avoid underbidding free labor.

§ 54. The assignment of kinds of work is made by the director acting in concert with the under officers. Consideration must be given to the previous occupations and future career of prisoners. So far as necessary the prisoner shall be instructed in his work by a guard. For household tasks suitable prisoners shall be selected. For clerical work properly trained prisoners may be employed under suitable precautions.

§ 55. Usually prisoners will be set to work only in the buildings, gardens, and courts of the prison. For the immediate tasks of the institution male prisoners may also be employed outside the institution, so far as they can be watched and kept apart from free laborers. Prisoners may be employed by outside public boards or private persons only on recommendation of the college of prisons and when the circumstances of the institution make it proper. Prisoners thus employed must work in large divisions, not less than ten together, be sufficiently guarded and kept apart from free workmen. Prisoners may be employed outside only when their previous behavior and the time before expiration of sentence give no occasion to fear attempt to escape.

§ 56. On Sundays and holidays the prisoners are free from work. The daily time of work on work days will be, from October 15 to March 15, ten; at other seasons, eleven, and on holidays, five hours. Time for worship and instruction is deducted from regular time.

§ 57. The labor shall be apportioned to each prisoner so that he will, in the judgment of the guards, considering his skill, be required to exert his powers. The completion of his task does not free the prisoner from further work during the day. If the nature of the work does not permit the fixing of a specific task, his work must be so planned that he will be required to exert his powers, consideration being had of his physical condition, capacity, and practice.

§ 58. He who refuses to work or neglects to complete his task will be liable to disciplinary punishments. The product of the labor goes into the funds of the institution. As a gratuity and encouragement a part of the reward of labor—the supplementary earning—shall be given to industrious prisoners. This additional earning may not exceed 20 pfennig a day. It will be graduated by the administration according to the measure of industry, the behavior, and the efficiency of the individual prisoner. The additional earning shall not exceed the fourth part of the entire earning of the prisoner, but may be 7 pfennig if the earning is not over 28 pfennig. Increase of supplementary earning above 20 pfennig daily is permissible with consent of the college of prisons if the unusual industry of the prisoner raises the amount above 20 pfennig. For work which falls below the regular daily task no additional earning will be credited. For bad behavior and idleness the additional earning may be refused up to four weeks.

§ 59. From this additional earning of the prisoner must at least so much be deducted that he will have enough at discharge to pay his way home. If necessary, a part will be reserved to buy him clothes at discharge. From the further savings, so far as they are not required to meet obligations during the term of sentence or are not used for luxuries, the prisoner may, with permission of the director, procure useful articles, means of instruction, clothing, tools, books, etc., or send money to his relatives. The remainder is to be used to give a respectable outfit and means of success after discharge. A legal right to these funds does not belong to the prisoner, and therefore he can not mortgage them. If the prisoner dies in the institution his effects belong to the poor fund of the institution. In special cases the institution may give the property left by a prisoner to some person outside the institution, at the request of the prisoner, or to a court with probate powers.

§ 60. An account will be kept in the institution of all savings of each prisoner and all his expenditures made with consent of the director. Prisoners are permitted to have information as to the state of their account, and semiannually a copy will be given. Each prisoner must certify in the book that the statement is correct. Moneys at disposal of prisoners must be placed at interest.

HEALTH.

Food.—§ 36. Food is to be furnished so that health and industrial efficiency o prisoners is not diminished. For breakfast will be given to each prisoner four times each week 0.65 liter of water soup made of 125 grams of dark bread, three times weekly 0.5 liter of coffee and milk, made from 5 grams of roasted coffee, 0.1 liter milk, together with 125 grams of dark bread, though it is permitted, up to half of the regular coffee portion, to give chickory or malted coffee instead. The dinner consists of 0.85 liter of Rumford soup, or flour food with broth, salad or cooked fruit, or of vegetables, the latter usually with addition of flour food or potatoes, and on Sundays and holidays, and once a week on other days, 125 grams of meat (gross weight). It is left to the administration, instead of the workday meat food of 125 grams weekly, to give two portions of meat, of a cheap kind, of 75 grams, if a serious increase of cost is not thereby occasioned. Once in two weeks it is permitted to give cheap fish * * * or giblets, lungs, heart, liver, etc. Sometimes a soup may be added, of grits, barley, noodles, potatoes, rice, oats, etc. In the evening each prisoner receives, five times weekly, a water soup, as above, twice weekly a like quantity of roasted flour, potatoes, lentils, peas in soup. In addition the prisoner may have with the water soup weekly 50 grams of cheese or 10 grams of butter, in summer radishes may take the place of cheese. Every prisoner has daily 500 grams of baked dark bread. For drink, fresh, pure water is given daily.

§ 37. Departures from the prescribed diet, outside of sick diet, are permitted in the following cases:

1. Prisoners who are set to work at heavy tasks may, upon their request, be furnished with an addition of 250 grams of bread per day, on work and holidays, at cost of the institution.

2. The administration of the prison is authorized to give to prisoners employed upon certain kinds of work designated by the college of the institution, a larger portion of breakfast and evening meal, and if this is not enough, in the judgment of the physician, to maintain the health of the person, a reasonable quantity of milk, fruit sauce, or beer may be added (cf. § 47).

3. Those prisoners who should have, according to the physician, a change of food, especially sickly or weak prisoners who can not bear the ordinary diet, may have instead of breakfast 0.5 liter warm milk and 125 grams white or dark bread; instead of the dinner a like quantity of milk and bread or a light soup and white bread for the day's portion. In special cases on recommendation of the physician a meat soup with 125 grams of meat may be given; but the addition of meat is permitted only when there is manifest danger of physical disturbance.

4. The Hebrew prisoners must use the ordinary food, but during the Easter festival food ritually correct may be enjoyed in measure similar to the regulation food in form approved by a neighboring Jewish ecclesiastic, precautions being observed.

§ 38. Prisoners may at their own expense procure means of providing relish of white or dark bread, sweet or sour milk, eggs, cheese, butter, bacon, fruit to the cost of 15 pfennig a day. This privilege is extended to the prisoners of the first class daily, to those of the second class on Sundays and holidays and three times a week besides, to those of third class on Sundays, holidays, and twice a week besides. The director has the right, in cases of bad behavior, to withdraw the privileges named above (§ 37) for a time, not beyond one month.

§ 39. At the beginning of each fiscal year the administration of prisons must lay a dietary before the college of prisons; in this dietary all forms of food which are to be furnished must be recorded and the amount of nourishment accurately given. All foods must be properly prepared and cooked. Care must be given to seasoning of foods and supply of fats, and variety must be sought. Salt in proper quantity must be supplied. Bread must not be given out until it is twenty-four hours old. The extra luxuries are furnished by the institution, and prices must be certified from time to time and made known to the prisoners.

Clothing.—§ 40. The prisoners wear uniform which is given out with underclothing by the administration. The uniform of penitentiary men must be different from that of men in ordinary prisons or jails * * *

Beds.—§ 41. Each prisoner has a bed furnished according to the regulations.

Care of health.—Cleanliness.—§ 42. All spaces, passages, courts, and furnishings are to be kept as clean as possible. Work and sleeping rooms must be swept daily and often washed. Rooms used by prisoners are to be whitewashed as often as necessary, and must be dry before they are used by the prisoner. Especial attention must be given to ventilation and suitable temperature and to keeping the water-closet clean.

§ 43. Prisoners are required to keep their bodies, clothing, beds, and rooms clean. Male prisoners are shaved twice a week. Wearing beard is allowed only upon medical advice; in addition prisoners who have behaved well may be permitted to let their beard grow several weeks before leaving the prison. Hair must be cut and nails trimmed as often as necessary. The prisoners will have several times in the year, in summer at least monthly, full baths, spray baths, or foot baths as required. In addition young and vigorous prisoners in the warm season must wash the entire body often in cold water. Baths are omitted when there is danger to health, and the physician is consulted in cases of doubt.

§ 44. Prisoners may enjoy open air once a day. When practicable they will be taken to the place of exercise under suitable guard. At least half an hour daily must be passed in the open air. Prisoners sentenced to dark arrest may not enjoy the open air. Those shut up alone have applied to them rules in § 72. Prisoners assigned to confinement on trial are to be given open air exercise, separate from others.

§ 45. No prisoner whose health permits may be excused from taking exercise in the open air. But the director may release prisoners from this obligation who work in the open and may permit those whose inside occupations are exhausting to sit down outside in the place of exercise. For bad behavior a prisoner may be denied the privilege, but not longer than one week.

Care of sick.—§ 46. Treatment of sick prisoners is usually inside the prison. If the condition of the patient demands his transfer to a special institution the consent of the college of prisons must be obtained. The infirmary of a prison must be properly furnished for care of the sick. Special care must be given to ventilation, cleanliness, sunlight, and proper temperature.

§ 47. For maintaining order in these rooms a special guard (a woman in case of female wards) is appointed. The immediate care of patients shall be intrusted to attendants chosen from among the prisoners, under the direction of a guard, and subject to the physician. These nurses receive a daily addition to their diet of 125 grams of meat, and if there is extra strain they may have on order of the physician during twenty-four hours one-fourth liter of wine or one liter of beer at cost of the institution.

§ 48. Patients will be transferred to the infirmary unless the illness is trifling and not serious enough to interfere with work. All needless intercourse of prisoners must be avoided. Patients are under the direction of the physician, and he is to observe the regulations.

§ 49. If a prisoner is ill he must give notice to the guard. The guard must give notice to the physician. The physician determines whether a medical treatment and transfer to infirmary or cessation of work is required. In urgent cases the person may be taken to the infirmary without previous order of physician. The physician decides how long the prisoner is to be treated. If a person becomes insane he is to be transferred to an asylum for the insane.

§ 50. Female prisoners about to be confined may be permitted to give birth outside the prison if there is no fear of escape or other objection. If the sentence is not for more than three years the college of the prison decides, and in other cases the ministry of justice. If a child is born in the prison it remains with its mother until danger of separating it has passed. The physician decides according to circumstances of individual cases. The regulations of the ministry of justice and of the interior decide in relation to sending the child to its place of settlement. * * *

Death.—§ 51. When a prisoner dies the corpse is taken to a special place as soon as the physician thinks right. The chaplain makes a record and sends notice to the proper board, under regulations. * * * Notice is also sent to relatives. Whether the body is to be delivered to the anatomical laboratory is fixed by regulations. * * * If not delivered to a laboratory the body is buried in the cemetery of the commune where the prison is situated. A relative may take care of the burial if there is no reason for objection and he bears the expense. The effects of the prisoner are disposed of by decision of court (cf. § 59).

REGULATIONS FOR CLOTHING OF PENITENTIARY INMATE.

1. Clothing given out by the institution consists of: (*a*) For male prisoners, jacket, vest, and trousers of natural hemp ticking, and in addition for winter a jerkin and trousers of napped fustian or tricot. These articles must be furnished in duplicate for each prisoner. To the above are added 3 shirts of linen or cotton, 3 pairs of socks, for the summer of linen or cotton, for the winter of wool; 2 neckcloths, 3 handkerchiefs, 2 suspenders, 1 cap, 1 pair leather shoes. (*b*) For female prisoners: Coat and jacket of dark-brown color, for the summer of cotton, for winter of wool (beaver); undercoat of ticking waist; each article in duplicate. Also 2 chemises of ticking or cotton, 3 shirts of linen or cotton, 3 pairs stockings, for summer of linen or cotton, for winter of wool; 2 neckcloths, 3 handkerchiefs, 2 hoods, 1 pair leather shoes. In special cases woolen underclothes may be given if health requires. In addition will be given out in cold weather for church attendance or exercise out of doors, in case of need, an overjacket for men and a cape for women. Each prisoner who has not brought them with him receives also 3 wash cloths, 1 comb, 1 wash basin, 1 clothes brush, 2 shoe brushes, vessel for fat (butter), 1 spoon.

2. According to the needs of the occupation, prisoners will receive in addition to or instead of some of the above-mentioned articles work shirts, boots, gloves, hoods, clothes of wool. Clothing of wool may be given on the recommendation of the physician to those who need them. On the same ground clothing of wool may be used beyond the winter period by certain prisoners.

3. Changes will be made every three to four weeks of the underclothes, and of the other clothing once in six to eight weeks, unless cleanliness and health require more frequent change. Clothing thus changed is sent to the laundry.

4. All clothing which belongs to a prisoner will be marked with the number by which he is registered.

5. There must be a reserved stock of all clothing ready for use.

REGULATIONS RELATING TO BEDDING OF PENITENTIARY INMATES.

The bed of a prisoner consists of a mattress and a head bolster of unbleached ticking, with straw, Indian fiber, sea grass, or other suitable vegetable filling; 2 linen sheets; 1 wool cover in summer, 2 for winter. Further supplies are given only on order of the physician for reasons of health. The linen sheets are usually changed each month, the straw twice a year; if necessary, oftener. Repair of Indian fiber, sea grass, and other materials of mattresses must be carefully attended to. The cover-ings must be taken out for beating and cleaning each week and occasionally fulled. All articles of bedding must be kept in stock and supplies furnished as needed. The bedding is marked with the same number as the clothing.

GRADES OF SICK DIET.

Four grades of diet for the sick are determined. In the first grade the sick receive at noon meal one-half liter thin soup with meat boiled; morning and evening, one-half liter water or cream soup, or, according to circumstances, instead of morning soup, one-half liter of milk; no bread being given with this grade. The second grade consists of the foods just mentioned, but at noon light vegetables and 125 grams of white bread. In the third grade the sick receive in addition to soup and vegetables each day once, either noon or evening, 65 grams of meat, the bones being removed, and 250 grams daily of white bread. In fourth grade, daily, two times meat, once beef, once veal, and 500 grams white bread. Also, the physician is empowered to order extra diet for special cases, but is limited in choice to articles approved by the college of prisons, save in cases of necessity.

EDUCATION.

Worship, care of souls, religious and school instruction.—§ 61. Each Sunday and on the church festival days, and on the birthdays of King and Queen, there will be a service in the chapel for evangelical and Catholic prisoners, with sermon in the forenoon, and on the afternoon of Sundays and holidays, if it is practicable under local conditions, Christian teaching or a devotional exercise conducted by the clergymen of the confessions. Quarterly confession and communion will be given. In addition, once a week an hour of religious instruction will be given by the chaplain. All prisoners not hindered by sickness are required to attend the services and the religious instruction. In exceptional cases the prisoner may be excused by the director. No external constraint to observe the sacrament is permitted.

§ 62. Prisoners are accompanied to chapel by guards. Outside persons are permitted to enter only by permission of the director.

§ 63. Before beginning of work, before the midday meal and evening meal, a common prayer will be offered, which will be pronounced aloud by a trusted prisoner selected for the purpose. On Sundays and holidays the time which is not set apart for work or exercise in the open air shall be used for reading books from the library, preparation for instruction, or reading aloud of suitable books. It is left to the discretion of the director to permit prisoners who have conducted themselves properly to work at noiseless tasks. The product belongs to the prisoner.

§ 64. Prisoners are placed under the spiritual care of a chaplain of their own confession, who is required to inform himself of their religious knowledge and state of mind, that he may influence them for good. For this purpose the chaplain is to visit the men in their workrooms and infirmary, and in suitable cases talk with them alone.

§ 65. Israelites are permitted on the Sabbath and on the thirteen high festivals to enjoy their devotions in a room set apart for the purpose. On these days they are relieved of work, but must labor on Sundays and Christian holidays, but in a way not to disturb others. At the request of Israelite prisoners a rabbi may be brought once a year for religious instruction and counsel.

§ 66. In case of death and before burial the chaplain shall make an address or offer prayer in presence of the prisoners or roommates. Up to the thirtieth year a prisoner is required to attend school if he needs instruction. Whether this is necessary the director determines, with advice of the chaplain. Instruction is given in those branches which are taught in the common schools. Older prisoners may receive instruction if it is thought they will profit by it. The school is divided into classes as required. The lower classes receive instruction each workday one hour, the better educated two or three hours of school in the week.

§ 68. Each year an examination will be held by both chaplains in presence of the director, and a report made to the college of prisons as to results.

§ 69. For the use of the prisoners there will be kept a supply of books of a religious, instructive, and entertaining character. Prisoners can take books only from this collection. In exceptional cases the director may extend the range of selection. Additions to the library are made by order of the director on the college of prisons, on the advice of both chaplains. The books are given out under the direction of the chaplains and with the assistance of the teacher. On account of bad behavior the privilege of receiving books and papers may be taken away for not longer than four weeks.

DISCHARGED PRISONERS.

§ 79. At least four weeks before discharge the police board of the place of settlement shall be informed by the director of the prison of the coming discharge, if he is a citizen of the Kingdom of Wurttemberg. The board of police shall be notified of the personal nature and conduct of the prisoner, his bearing in prison, how he was there employed, and how far and in what way he will require aid after discharge. At the same time the police board is to give necessary notice to the clergy. Also notice is to be sent to the central committee of the society for aiding discharged prisoners in respect to prisoners who have claim upon their care. The foregoing directions also apply in a measure to prisoners who are citizens of other States. * * *

§ 80. On the day before discharge the physician shall make a careful examination of the prisoner and order what is necessary. The account of the prisoner will be made up and his effects given to a guard. Next the prisoner will be brought before the director, who will say farewell in a suitable manner, and warn him against falling back into evil ways. If the prisoner has not money to carry him to his home it will be furnished (§ 59) according to a schedule. Finally a certificate of discharge will be given the person, and when required a certificate for transportation. On request of the prisoner a certificate of having served out his sentence will be given the person.

§ 81. On the day of discharge, which will always be in the morning without regard to the hour of entrance, the prisoner will be taken into the room of visitation, where the uniform of the house will be taken from him and his own clothing given. If his clothing are not adequate he will be furnished at the cost of his account, or even at cost of the institution if his own means fail. At this time he is to be searched to see whether other prisoners have secretly given him any articles. The change of clothing and examination of female prisoners are made by women.

§ 82. When the prisoner is sent out free his money, so far as is necessary to carry him to his destination, and his other property are to be given to him, together with his certificate of discharge. If the prisoner possesses more money than is necessary to carry him to his destination, it remains in the power of the director to pay it over to him, or to a board of his place of residence (supervisor, officer of the commune, poor relief officer), or in suitable conditions to the society for aiding discharged prisoners, or other trustworthy person. In sending money the receiver must be informed of the regulations. If the prisoner can not be sent out free, then his discharge is made by transferring him to a superior officer. A delay of discharge contrary to law will be punished by judicial punishment or disciplinary measure. The director of the prison is responsible for the right reckoning of the term of sentence.

§ 83. Prisoners whose return home is delayed by sickness may at their request remain in the institution until convalescent. The expense, unless it is under 2 mark, must be paid out of the means of the person. In absence of means, the poor relief office of the place of settlement is to pay.

§ 84. In respect to prisoners released provisionally (§ 23–26, Penal Code), the ministerial regulations are to be followed. * * * When the term is broken by transfer to a trial prison the usual order is followed. * * *

APPENDIX.

HOUSE REGULATIONS FOR THE INTERMEDIATE PRISONS (LANDESGEFÄNGNISSE), WURTTEMBERG, MARCH 4, 1899.

[This document is in some paragraphs word for word the same as the regulations for the penitentiary (Zuchthaus). Nothing more is necessary than to call attention to the differences noted in comparison of these two documents. Practically all of the differences arise from the fact that an attempt is made to make the penal life in the Zuchthaus more severe than the life in a Landesgefängniss. Only the parts which are new and noteworthy are printed here.—C. R. H.]

§ 2. The requirement of a thorough cleansing is not made in the milder document. Clothing in the uniform of the prison is omitted. Instead of requiring that the beard of male prisoners should be shaved, it is said: "Hair and beard shall not be altered except so far as required by cleanliness or convenience."

§ 14. Solitary confinement: The provision is added, "solitary confinement is employed if the sentence does not exceed three months."

§ 17. The reference to recidivists is omitted and the words inserted: "Prisoners who still possess civil honor (franchise), and who have never served time in a penitentiary, nor more than two weeks in a common prison, nor a heavy sentence for simple confinement (Haft), are so far as practicable to be separated from prisoners of another kind."

§ 29. While prisoners in the Zuchthaus may write only four letters in a year, those in the Landesgefängniss may write twelve.

§ 31. While prisoners in the Zuchthaus are divided into three moral classes in the Landesgefängniss there are only two such classes. Persons who have a fairly good record and possess civil honor are placed in the first class on admission. They may be reduced to the second rank at any time for bad conduct.

§ 38. Prisoners may buy extra food to the value of 20 pfennig per day (only 15 in Zuchthaus).

§ 40. Prisoners receive from the institution a form of clothing prescribed in the house rules but different in appearance from that used in the Zuchthaus. Prisoners who possess civil honor, and are serving their first sentence, may be permitted to wear their own clothing and underclothing if it is in suitable condition for use.

§ 41. Prisoners in possession of civil honor and serving their first sentence may be permitted by the director to use their own bedding if this is in harmony with their previous conditions of life and is required by health and is not a means of disturbing the order of the house.

§ 50. The shorter term is noted.

§ 52. The requirement that the work done must be within the prison is omitted.

§ 54. More attention is paid to the wishes of the prisoner in respect to work.

§ 55. Prisoners may be employed outside the prison if there is no danger of escape or other objection, and they are willing.

§ 56. The privilege of working at their own trade on their own account is given to those who have civil honor, by permission of the board of supervision, if it can be done without inconvenience to the order of the house. The product belongs to the prisoner, except that which is necessary for the expense of the institution.

§ 59. The prisoner may earn extra reward of 30 pfennig a day (instead of 20 in the Zuchthaus).

§ 61. The right to see his account more frequently is a privilege.

§ 67. Some extension of school privileges.

§ 70. No chains (as in Zuchthaus) used in discipline.

§ 74. Chains may be used only to prevent actual violence.

§ 79 *ff*. Slight changes in subject of release.

Other slight differences of language do not seem to involve principles of great moment.

House Regulations for the Department of Youthful Prisoners in the Prison for Female Prisoners at Gotteszell.

1. The rules for the Landesgefängnisse are applicable to the prison for female prisoners, division for youthful offenders, at Gotteszell, with the following modifications.

2. Youthful prisoners must be kept separate from adults at all times, and especially in instruction, worship, work, and exercise outside, so that there shall be no communication between them.

3. Preferably the youthful prisoners will be kept in solitary cells. In case of prisoners not over 18 years old the solitary confinement shall not be extended beyond three months without consent of the college of prisons. Those who work in congregate rooms during the daytime are to be in cells apart at night, unless there is reason for making exceptions.

4. An extra reward for work is not allowed, but the director may, upon recommendation of the assistant, grant quarterly a sum up to 4 mark for unusual industry, usefulness, and good conduct, where the person is already in the seventeenth year.

5. Furnishing luxuries is not permitted. But the director may on festival days add to the ordinary fare at evening meal some fruit, milk, butter, a glass of beer, or sauce at cost of the institution.

6. Instruction is given according to a plan drawn up by the prison college. The form of work will be made as educational as possible. School examination occurs with youthful prisoners semiannually.

7. Prisoners under 16 years of age may not be subjected to solitary punishment more than eight days. Dark-room punishment may not be used with prisoners under 18 years of age.

REGULATIONS OF SERVICE AND HOUSE FOR THE PRISONS OF THE MAGISTRATES (JAILS) IN THE KINGDOM OF WURTTEMBERG, MARCH 4, 1899.

NOTE.—The word "jail" will be used in translating this document, because it is brief and comes near expressing the right notion to an American reader.

First division—Purpose of the jails and their establishment.—§ 1. There must be a jail in connection with every justice's court. In these will be executed: (1) Sentences of short duration decreed by the civil courts; (2) the sentences to incarceration decreed by the civil courts so far as they are not required by certain laws to be excuted in prisons of the county (Landesgefängnisse); (3) the jails are also used for persons on trial. Among the persons reckoned as on trial in the sense of the following rules are those who have been arrested provisionally and delivered to the magistrate's court.

§ 2. In application of § 163 of the imperial law for the constitution of courts a punishment decreed outside of Wurttemberg by a civil court of another German State, which does not exceed a term of six weeks, may be executed in Wurttemberg if the convicted person is found in the Kingdom. In all other cases there is need of consent of the ministry of justice if a sentence is executed in a jail of Wurttemberg at the request of a non-Wurttemberg board of execution of sentences.

§ 3. Prisoners in transit should not as a rule be held in the jails.

§ 4. If on account of crowding of a jail the transfer of prisoners to another prison, especially of a neighboring magistracy, is necessary, the college of prisons is to be informed. In urgent cases the director of a prison, by consent of the judge in case of prisoners on trial, may send a convict provisionally to a near jail, after communication with the director of the jail in question, and the college of prisons must be informed at the same time.

§ 5. In jails particular rooms must be set apart for (1) persons on trial; (2) prisoners under sentence, with separation by rooms, so far as possible of persons condemned to prison punishment, simple incarceration,, and qualified incarceration. (Penal Code § 361, 3–8, art. 10, 1–4, Penal Code of the Police of the State.)

§ 6. The jails must be kept in good repair and in a condition which will not endanger the health of the prisoners. In the building of new jails the use of cells for individuals must be preferred. For the individual cell for day and night, there must be regularly provided air space of 25 cubic meters. Only in exceptional cases may this space be reduced to 22 cubic meters.

Common rooms are to be provided only for those prisoners who are not fitted for solitary confinement, for those who are under medical care, and those who are doing work inside the institution which can not be done in cells. The windows are ordinarily so to be arranged that the transom can be opened and closed. The window of a solitary cell shall have a surface for light of at least 1 square meter. Special cells may be made with deeper windows and larger space. In every jail there shall be at least one such bright and spacious arrest room. * * * In addition each jail shall have one or more specially strong cells.

§ 7. At no time shall more prisoners be confined in a jail than it has capacity to accommodate. Rooms which are fitted up for common confinement by day and night shall not regularly be occupied by more persons than can have air space of 16 cubic meters. The cells and rooms are to be marked with consecutive numbers.

§ 8. In every jail must be a space large enough for exercise in open air. So far as possible the jails are to be provided with encircling walls. In the courts should be places for work in open air, and here protecting roofs may be provided. Swine sties and manure places shall be outside the prison and in separated court. Wooden supports and trellis work or easily climbed buildings shall not be attached to the prison walls. Trees shall not be grown near the wall.

§ 9. Each prison shall have as many beds as prisoners to be accommodated. The beds shall be single. In providing new beds those of wood shall be avoided, and in their place iron bedsteads which can be shut up against the wall shall be furnished. For each bed a sack of chaff, or straw, or hay, of bleached ticking, and a bolster of chaff, hay, or dry moss of the same stuff, two hemp towels and two woolen covers, the latter, however, during the warm weather only to be used part of the time. By special permission of the college of prisons and by special directions India fibre mattresses and bolsters may be provided. Prisoners who are very dangerous may be provided with beds on the floor.

§ 10. In addition to the beds there shall be an adequate supply of lead, earthen, or wooden water cans and cups, lead spittoons (to prevent spread of tuberculosis), wash basin, wooden clothes press, clothes and shoe brushes, night vessel. So far as there is no danger of misuse the prisons will furnish table and place to sit down.

Second division—Direction and oversight.—I. *The direction of the prisons.*—§ 12. The direction of the jails, so far as the prisoner is not expressly placed under the justice by the ordinances * * * shall be given to the justice who has charge of the service or to a magistrate who acts in his place. * * * This officer, acting as director, is responsible for the entire conduct of the service, and must see to it that the regulations are carried out. He must watch over all affairs of prisons and prisoners so far as they are not assigned to some other officer or belong to the judge of trial courts as having charge of persons under trial.

§ 13. The director must give special attention to the treatment of prisoners. Suitable orders which affect the persons under trial are to be given in agreement with the justice. The director of the prison must extend his supervision also to the division of the prisoners in the cells, to the food, clothing, beds, and other treatment of the prisoners (as sending and receiving letters, religious service, giving out books). Particular attention must be given to the employment of prisoners from the local courts. The director must occasionally examine the bread and other food furnished the prisoners, and assure himself that the prisoners receive in quantity and quality what belongs to them. In cold weather he must see that the heating is adequate, and for this purpose must inspect all rooms.

§ 14. At least twice in each month the director, together with a clerk of court, will visit the prison at times not announced, and at such times and at others receive statements from prisoners in the absence of the guard in respect to their treatment. A record of these visitations and observations will be made.

§ 15. All assistants and guards, inspectors, overseers, military guards, cooks, servants, etc., are under orders of the director. * * * Exercise of disciplinary punishment belongs to the directing justice even where the business of the prison is assigned to another justice, the power being given by order from the ministry of justice. The power to exercise disciplinary punishments to guards, overseers, military watchmen, cooks, servants, etc., may be punished with simple incarceration. * * * All such disciplinary punishments must be reported to the college of prisons. * * *

§ 16. As immediate director of the service the superintendent must, in fulfillment of his duties, carefully inspect the service, instruct the assistants in respect to their duties, and, if necessary, warn and correct them. Where there are several assistants in the institution the director assigns the duties of each and gives them their instructions. The records made by the guard shall be examined at least once each fortnight and a certification made on the list. He must see that the diet list is sent to the clerk of court and see that no abuses occur. Complaints of prisoners against the assistants shall be sent to the director for his decision.

§ 17. The clerks of the court are to aid the director in this service.

§ 18. The director must see that the buildings are kept in repair and that a sufficient stock of all utensils and materials is kept. The regulations in respect to cleanliness must be carried out with great care. For cases of necessity the director must keep duplicate keys to the prison.

§ 19. In respect to important events in the prison, as mutiny, escapes, suicide, attempts at suicide, etc., notice is to be sent at once to the college of prisons.

II. *The corps of assistants.*—§ 20. As overseers in prisons in which care of the prisoners is at cost of the state shall be appointed prison inspectors, especially supervisors from the rifle corps with military rank of superior officer of supervision, and in the larger prisons on state account, military overseers, with provision for female overseers and cooks and other helpers. The guard of the prison has also to attend to the duties of assistant in the justice's court. The prison guard and the military overseer are equal in rights and duties to the officers in the higher judicial prisons, save where some peculiar exception occurs in the service of the jails. In the jails without state account methods the service of the guard is united with that of the servant of the justice's court. To the prison guards in the sense of this regulation belong all the persons charged with oversight. * * *

§ 21. The prison guard has to follow the directions of the prison superintendent exactly and to observe all rules of the service, with which he should be acquainted. Without permission of the prison superintendent he may not go away from the location of the court. In general he is under the ordinary rules of furlough. Where there are several officers the rank of each is determined, and one is chosen as superior.

§ 22. It is the duty of the guard to keep safely the prisoners intrusted to him, to watch them and care for them, to prevent unlawful communication between them, care for the conduct of work, maintain order, cleanliness in the institution inclusive of all furniture, and to keep a careful register of prisoners. Especial attention is called to the regulations of § 347 of the Penal Code in respect to the punishment of permitting escapes through purpose or neglect.

§ 23. The service of the prison guard is not limited to specified hours. During the night the officers who reside in the prison inclosure may not remain outside without permission of the superintendent, according to regulations.

§ 24. In certain household affairs of the prison the guard may make use of the services of help or members of his family, of course under careful supervision. But he remains responsible for all and may not permit either a member of his family or a servant to have access to any prisoner, even those under trial, unless accompanied by himself. In addition the guard may, where there are not several assistants, in cases of need, e. g., night visits to the prison, visits to dangerous prisoners or conveyance of such, appoint a suitable man by previous consent of the superintendent who, if there is no ground for objection, may confirm and obligate such person. * * * Provision for a substitute for the guard. * * * Arrangements for other employees. * * *

§ 25. The smoking of tobacco in time of service is forbidden. * * * The officers of the royal riflemen in the jails with state account must wear uniform.

§ 26. In relation to the prisoner the guard must observe an earnest and firm, but just and benevolent, demeanor toward the prisoners. In the treatment of prisoners consideration must be had for the personal nature, education, and civil position of the individual. Partiality toward individuals is prohibited. It is the duty of the guard to see that the prisoners conduct themselves according to the regulations. Violations of order he must repress, but in general leave affairs to the decision of the superintendent to whom information must be given immediately or at the next report. If a prisoner makes complaint the guard, under penalty of punishment for refusal, must bring it to the attention of the superintendent as soon as possible.

§ 27. All private and confidential communication of guard with prisoner is forbidden. In particular he must avoid all buying, exchanging, or lending with the prisoners under any pretext. It is expressly forbidden the guard to receive any kind of present from any side, especially from the prisoner, his relatives, or friends without permission of higher authority; and under this prohibition fall the taking of gifts by members of the family of the guard. In the same way, in the prisons with state account, it is strictly forbidden to all employees to accept presents from those who deliver wares or goods. The guard, outside the fees which belong to him in jails not under state account, may not derive any advantage from his office, and particularly may not use prisoners for his own benefit without direct permission of the superintendent. (Cf., § 78.) For failure in these directions the guard has to expect, apart from penalties of §§ 331, 332, 358 of the Imperial Penal Code, and so far as reparation through administrative rules is not exacted, immediate discharge or removal as punishment. * * * In relation to punishment of illegal violence against prisoners and punishment of immoral relations with prisoners, reference is made to §§ 339, 340 of the Penal Code, and § 174, No. 3, of Penal Code.

§ 28. Silence and cautious conduct in the service generally are required of a guard, and reticence especially when he is present at the examination of a person on trial. It is forbidden to the guard to converse with a person on trial in respect to matters of the examination.

§ 29. The guard is to see that the buildings of the prison are kept in good repair, and as soon as defects are apparent to give notice to the superintendent. He must attend to provision of all furniture and equipment of the prison, clothing, bedding, cabinetwork, locks, etc., and to keeping them all in good condition. He must keep an account of all the furniture which belongs to the institution according to prescribed forms * * * and be responsible for all to the superintendent. For maintaining the greatest possible cleanliness in halls and furniture he must bestow the greatest care. * * * (Reference to orders of the ministry of justice.) The bedding after use is to be thoroughly aired and kept in a dry place, while chains and locks must be kept in a safe place not accessible to prisoners in case of outbreak. The keys of the prison must be held by the guard on his person or locked up in his dwelling. In case of necessity he gives them to his substitute. If there are duplicate keys aside from those in possession of the superintendent (§ 18, 3) the superintendent must give orders in relation to them. If articles are lost, notice must be given to the superintendent.

§ 30. The guard is to give an oral report to the superintendent each morning of work days, in respect to the conduct and condition of the prisoners, as well as of events in the prison. The guard must report at once in respect to unusual occurrences, as attempts at escape, observations of improper communication between prisoners among themselves or with outsiders, sickness among prisoners.

§ 31. The regulations in regard to use of weapons by the riflemen guards are made for them, and for overseers of the higher court prisons there are also suitable rules.

§ 32. The guard must keep records according to formulas provided in relation to all prisoners. In the jails under state account this labor may be assigned to some other officer. In other magistrate's courts the guard must keep his accounts through others at his own cost unless he keeps them himself.

III. *Boards of supervision.*—§ 33. The College of Prisons is the board of supervision of jails. It has the duty of making the necessary rules for conduct of industry and order in the prisons, and in individual cases officially or on complaint to take action.

§ 34. The College of Prisons is to satisfy itself in regard to the condition of the jails, not only by receiving reports, but also by making periodical visits of inspection (under rules prescribed). * * * At the close of each fiscal year a report respecting the prisoners and persons on trial confined in jails shall be laid before the College of Prisons by the superintendent in tabular form, together with a report upon observations and recommendations so far as they have not already been mentioned during the year. * * * In addition to the visits of inspection of the College of Prisons others may be required of superintendents of the higher court prisons. On May 1 of each fiscal year the College of Prisons is to render a report of all visits to jails made during the last year to the ministry of justice. Visits of inspection by the state courts are not excluded. * * * Of the results of such visitations the state court, so far as measures affecting the actions of the College of Prisons are concerned or so far as important observations are made by the visitor, shall make communication to the College of Prisons.

§ 35. The prison inspectors and military overseers of the jails are subordinate to the College of Prisons when they are simply occupied with prison service in all that relates to superior supervision. The appointment, transfer, and discharge of military overseers will at present belong to the College of Prisons.

§ 36. To the College of Prisons and the superintendent belong the same authority to assign punishments in respect to the entire force of non-judicial assistants as in respect to the officers in a prison. * * * The College of Prisons comes into the position of the superior board in case of complaints against the disciplinary measures which are ordered by the justice or superintendent. * * *

§ 37. The highest authority over jails belongs to the ministry of justice. Ordinances of a general nature, for which the College of Prisons finds occasion, are first to be laid before the ministry of justice before they are announced. The College of Prisons shall make report to the ministry of justice about unusual events. * * * To the report made by the College of Prisons to the ministry of justice in relation to the condition of the higher court prisons shall be added a report on the jails.

IV. *Means of discipline.*—§ 126. Without prejudice to judicial penalties, after the withdrawal of privileges and luxuries, and where a reminder or warning does not suffice, the following punishments may be employed: (*a*) Against persons on trial: fine to 100 mark, sharpening of the incarceration by giving a less comfortable bed for eight days, diminution of food every other day for eight days; (*b*) against prisoners serving sentence: diminution of food every other day but not beyond one week. Some of these forms may be used together. * * *

§ 127. A summary trial must be given before a disciplinary punishment is ordered, and the prisoner given information as to the charge and a chance to answer. The order for punishment and its reason must be recorded. The superintendent must keep a record in which he marks down orders from judge and other officials in relation to punishments. (References as to competence of judges.) * * * In respect to complaints against orders made by a judge the Code of Penal Procedure determines. In serious cases the College of Prisons decides the punishment of prisoners under sentence, but usually the superintendent is competent. * * * Complaints against the order of a superintendent go to the College of Prisons, but the punishment is not delayed.

V. *Work.*—§ 61. In all jails there must be a regular system of work, which must include all needful household labor and other industry on State account or on order. The superintendent is responsible for arranging suitable occupation, while the immediate supervision of work is the task of the guard.

§ 62. In order to lighten the burden of maintaing suitable and constant employment of prisoners the superintendents may ask the aid of the administration of the higher judicial prisons, and these are directed to give them help. In consequence of a notification of the ministry of the interior and of finances, the superior officers, forest officials, hunting officials, officers of the circle, and street-construction inspectors may be asked for aid. In proper cases the communal boards may be asked for help.

§ 63. Occupations which threaten health are excluded.

§ 64. As occupations suitable for inside work are: Culling coffee beans and other imported wares, handling vegetables, making envelopes, paper bags, spinning, winding, sewing on buttons, preparing feathers, weaving baskets and straw, making tufts for mats, box making, picking hops, wool, horsehair, sea grass, etc., stripping willow and ornamenting with it, stripping tobacco, washing and other work not requiring much training; and for female prisoners especially, mending stockings, sewing, repairing clothes, making linen handkerchiefs, shirts, etc., mincing, repairing bedding; and for those already educated, copying and attending to accounts. Hand workers (tailors, shoemakers, etc.) may be busy with their crafts.

§ 65. For work in courts or outside may be used wood cutting, breaking coals, and breaking stone. Since work outside must be avoided as far as possible it must be considered whether it will be more economical to bring material for woodcutting into the institution and carry it out again rather than have the work done outside with cost for supervision. Under proper circumstances improvement of roads and simple forest industry may be used.

§ 66. In addition to employing prisoners in cleansing the prison they may be employed in the service of the local court buildings, especially in scrubbing.

§ 67. Preference is always to be given to work for the State and for communes. Prisoners who have trades, as tailors and shoemakers, must first of all be employed in the service of the institution.

§ 68. In the case of outside occupations, when the forest or road officials are not made overseers, and the contract covers cost, temporary officers may be appointed and belong to the department of justice.

§ 69. Outside work for private persons is only exceptionally, and only for prisoners under punishment, permissible, and strict supervision is required. Occupation in factories outside the prison is not permitted.

§ 70. Public advertisement of offers of labor must be avoided. In the larger prison populations not too many persons are to be employed at one trade. In labor for private persons competition with the poorest stratum of population is to be avoided.

§ 71. It is recommended to make contracts with managers for suitable work, as sewing on buttons with button factories.

§ 72. In reference to applying labor these rules are to be observed: Those serving sentences in jails may, according to § 16 of the Penal Code, be employed at suitable labor carried on in the jails; at their request they are to be so employed. Occupation outside is forbidden, and without their consent, and if employed in this way, they must be kept apart from free laborers. Those condemned to qualified incarceration, according to regulations, may be employed at work suited to their capacity inside the prison, and if kept apart from free laborers, outside. It is not necessary to interpret the expression "suitable to his capacity" as meaning exclusively that work which he has previously learned.

§ 73. Excuse from labor suited to capacity and nature may be given by the director only under peculiar circumstances which justify it. Such excuse is proper especially with the sickly, feeble, and infirm prisoners. It is especially desirable where enforcement of compulsory work, considering the nature of the person and the offense for which he is punished, might appear to be an unusual hardship. Excuse from compulsory labor for the sake of self-employment (§ 77) may be made by the director dependent upon the payment of a sum by the prisoner to go to the fund for reward of work.

§ 74. All other prisoners, not mentioned in § 72, can not be required to work; their voluntary labor in the prison is, however, to be promoted as far as possible. The occupation of persons under trial is at the choice of the judge. This permission may generally be given in advance, with the understanding that it may be recalled in particular cases.

§ 75. The daily time of labor shall not exceed nine hours. On Sundays, and on those festivals and holidays legally recognized, work in jails ceases, except that which is necessary for the order of the house. On such days the Israelitish prisoners may be permitted to work, so long as they do not disturb others and do not require the supervision of officials.

§ 76. The superintendent decides how the prisoners shall be employed. In this matter the wishes of the prisoner are to be consulted so far as practicable. Especially is this the case with those who work voluntarily. Constant consideration must be had for the health, age, and sex, capacities, and knowledge, education, and habits of life of the prisoner. In work the youthful prisoners must be separated from adults, and persons on trial, as a rule, from those under sentence. The judge decides in respect to the work of persons on trial. So far as the nature of the work permits, the task assigned shall be so great that it can be performed only by industry and persistence. It is recommended to set a task for the days, so that ordinarily each prisoner will be required to finish his task, while the weak and infirm are excused from some part of it. In the latter case the day's work may be less than nine hours. Especial attention is to be given to the measure of the task of voluntary laborers. The completion of the task does not excuse the person from working during the rest of the working hours. If the nature of the occupation does not permit the assignment of a definite task measures are to be taken to secure steady labor during the entire day, according to the physical power, capacity, and skill of the prisoner. The working prisoners must be obedient to the orders regulating labor. Refusal to work, as well as unsatisfactory and incomplete results, expose the prisoner who is required to labor to disciplinary punishments. The other prisoners have in this case to expect exclusion from prison work.

§ 77. To those prisoners who are not required to work upon the occupations of the institution, and to those who do not participate in these voluntarily, employment at their own cost may be permitted, suited to their social status and means, so far as this occupation is not inconsistent with the purpose of incarceration, and does not disturb the order and security of the prison. To a prisoner serving a sentence, such self-employment is permitted only when they are in possession of citizen rights and have not served a term in a penitentiary. For granting this privilege the consent of the College of Prisons is requisite.

§ 78. In connection with the industries of the prison a moderate clear profit is, so far as practicable, to be gained, and this profit flows into the State fund. The rate of wages, the prices of products, etc., will be fixed by the superintendent after consulting the guard. Underbidding free labor is forbidden. Only work for public authorities may, in case of necessity, be done at a price which will in any event secure this profit. In extreme instances work may be done for public authorities gratis if other occupation can not be found. In case of work for daily wages which are paid for out of the local magistrates' funds (as splitting office wood, clerical labors, etc.) the daily wage for men is reckoned at 60 pfennig, and of women at 40 pfennig. Work for the jails alone is gratis. The superintendent is empowered, in suitable situations, to permit the guard to employ prisoners in house work connected with the prison, which is helpful to the guard, without requiring payment from the guard. But payment by the guard may, in some instances, be required. In the employment of prisoners on work in the buildings of the court which are not connected with the prison industry, and which the officer of the court must attend to at his cost (as cleansing and heating the halls of the offices), the officer must himself pay.

§ 79. In every jail an account will be kept of the earnings of labor.

§ 80. From this fund the costs of the industry will be first met. After this rewards and premiums may be paid out of this fund to prisoners. The superintendent may pay, according to industry and achievement, as reward of labor, 1 to 15 pfennig a day. For overtime work a corresponding increase of at most 10 pfennig may be made. Prisoners occupied with very heavy work may also be allowed an extra bread portion up to 250 grams. Such extra portion of bread may be allowed in suitable cases instead of money premium. Work done for the prison itself may have extra reward. As a rule the premium will be paid at release or sent afterwards. Control over the premium during term of confinement is permitted only on order of the superintendent.

§ 81. Rewards may be paid out to those guards who have deserved extra allowances, and these come from the fund kept for the purpose, regard being had for the clear profit to the institution. These rewards to the guards are to be paid after the end of the fiscal year for such special desert in connection with the industry. The superintendent is to offer the proper payments when the accounts are finished, and in making the account the extent to which the guard has had the service of prisoners must be counted in. If there is no profit then there will be no reward to the guard.

§ 82. The surplus left in the fund for reward of work is to be paid into the fund for the costs of inquisition, or in prisons kept on State account into the prison fund, from which fund the necessary payments and additions to the reward of work must be met.

§ 83. In prisons where there are separate funds and accounts the clerk of the magistrate will keep accounts, and at Stuttgart and Ulm the jail inspectors. The money belonging to the reward-of-work fund is to be kept in the vault of the magistrate's court. * * *

VI. *Religious care and libraries.*—§ 112. The prisoners shall not be refused access to a clergyman of their own faith. Ordinarily it is not permitted to call in clergymen from without at state cost, but in urgent cases of sickness or long confinement on trial the superintendent may take this step. Care must be taken that regular religious care is supplied, and the wants of youthful persons are to be especially met. In any cases youth of school age must share in this benefit. Generally, participation in religious exercises is voluntary. The judge has power to regulate these exercises so as to carry out the purpose of the confinement of persons on trial. The superintendent has similar authority in case of other prisoners.

§ 113. In accordance with the agreement of the evangelical consistory, the episcopal ordinary, and the Israelitish superior church board, the religious care given, as far as practicable, is to be gratuitous. The church authorities will furnish to the superintendent the names of clergymen assigned to this duty. If the clergyman so designated is not at the same time the clergyman of the residence of the prisoner, and if the latter desires to visit the prisoner, this wish is to be communicated to the superintendent by the chaplain of the prison.

§ 114. Among the cases of exceptional call of an outside clergyman at state cost, comes the request of a Catholic prisoner who must pass the entire time when he has Easter duties to fulfill in the jail, and when the jail at this time has no regular religious care. Such costs are reckoned among the "general criminal costs."

§ 115. Ordinary religious care consists in visits of the clergyman to prisoners of their own confession. It is better for the superintendent to have an agreement with the clergyman as to the particular day of the visits. A list of the prisoners and persons on trial is to be furnished the clergyman at his request. The visits to youthful persons and to other prisoners who may not refuse to receive visits shall be in a cell, or, where there is congregate imprisonment, in a room set apart for the purpose. The presence of an overseer is in order only when ordered by the judge or superintendent or is requested by the clergyman himself. Any improper conduct of the prisoner is to be reported to the superintendent by the clergyman, for the sake of further treatment.

§ 116. The clergyman has no claim to inspect the records of prisoners, and yet this may be permitted in suitable case of prisoners under sentence if there is no ground for question.

§ 117. Congregate worship is permitted in jails only by special order of the prison college.

§ 118. Books of religious and instructive character must be supplied in adequate number for all jails. The prison college decides upon the selection of new purchases. The reading of other suitable books in addition to those in the library may be permitted. The prison college will see that several copies of the Bible, of the New Testament, in the Lutheran and Catholic versions, and of the evangelical and Catholic hymn books shall be supplied, as well as other devotional publications. The prison chaplains may suggest titles of other books for purchase. The judge retains the authority to direct the reading for persons under trial.

VII. *Discharge of prisoners.*—§ 128. The discharge of prisoners is under the responsible conduct of the superintendent. The discharge of persons on trial is made only by written order of judge or state counsel. The order is to be laid before the superintendent, unless he has issued it himself, either before the end of sentence or, at latest, next day, for validation. After expiration of term the prisoner is to be discharged without express order, by the guard. If the prisoner is to be delivered to another authority, the guard is to give timely notification. Of the discharge or delivery the superintendent is to have notice, which shall be noted on the order if it is in written form. See § 110 in respect to discharge of sick prisoners.

§ 129. On request, the prisoner shall be given a statement that he has served out his sentence. This certificate is made out by the superintendent. For those persons released, for whom protective oversight is appropriate, it shall be supplied, and for this purpose the superintendent shall correspond in good season with the society for aiding discharged prisoners. Neglected youth are also to be specially watched over. * * * Sick prisoners who are without means are to be referred for temporary or permanent help to the poor relief authorities of the place of settlement.

VIII. *Particular regulations relating to treatment of persons on trial and of persons incarcerated.*—§ 130. In the treatment of persons on trial the directions of § 116 of the Code of Penal Procedure and the foregoing rules are to be strictly observed. It must not be forgotten that the persons on trial are not deprived of liberty as punishment, and that therefore they must not be more restricted of liberty than is necessary to retain them securely and maintain the order of the prison. Conveniences and occupation suitable to social position and means may be enjoyed by the prisoner at his own cost, so far as the purpose of confinement and the order of the institution permit. The judge usually gives directions, but in urgent cases the superintendent.

§ 131. (Directions for administration of separate jails for persons on trial. The usual rules apply.) * * *

§ 132. The penalty of incarceration (Haft) consists in simple deprivation of liberty (§ 18 of Penal Code). * * *

Addition, § 133. Directions for placing certain military and other prisoners in jails.

§ 134. Provisions for punishment of light and civil offenses. The civil prisoners are simply deprived of liberty; writing materials are given them; correspondence is not restricted; visits may be received without the presence of an officer; cleansing of cells is under direction of the administration; civil prisoners arrested at petition of a creditor are released when the creditor consents, or when the sum forwarded for maintenance is exhausted, or the period of six months has been reached.

AUSTRIA.[a]

ORGANIZATION OF THE ADMINISTRATION.

[From the Regulations for the Officers of the Prison at Marburg. (Dienstvorschrift, 1889), with later additions, 1891.]

All officers are under the direction and discipline of the superior counsellor of state and the ministry of justice, constituting the highest board of prison affairs. These highest authorities exercise supervision through the house commissioner of the establishment, to whom the prison officers owe obedience.

In relation to execution of the law regulating cellular imprisonment, the officials must follow the orders of the commission over penal administration and voluntarily furnish them information desired.

The officers of the prison are: The chief director, the steward, the controller, the assistant, the Catholic chaplain, the house physician, the teacher, the inspector of the guards. The administrative officers are the director, steward, controller, and assistant.

The officers, except the chaplain, take an oath on entering the office, promising to perform their duties. During service all wear a uniform, except the chaplain, physician, and teacher.

No officer may have any financial dealings with prisoners nor receive presents. The ordinary duties of honesty, kindness, and courtesy are required of all. The director is responsible for all that is done in the establishment.

A conference of officers is held each week. The members do not vote, but if the majority differs from the director he must record the reasons for his decision. The director must personally inspect all parts of the establishment and see that the regulations are enforced. He examines each new prisoner and gives instructions as to his treatment. The prisoner is held alone in a reception cell for the first twenty-four hours and examined by the physician, chaplain, teacher, and steward.

He may not permit strangers to visit the prison without permission from the ministry of justice or the superior counsellor of state; visitors must be accompanied by an officer, and, as a rule, remain not over one hour.

Once a month there is a meeting of all the officers, the house commissioner presiding, for a statement of all events of interest. Complaints of prisoners and communications from the ministry are heard.

The steward and controller are in charge of the accounts of the establishment, the purchase of supplies, contracts, stores, lighting, heating, building, and repairs—minute directions being given in the rules for their government in office.

The assistant (adjunct) aids the director, attends to minutes of conferences, and helps the steward when needed. He keeps a record for each prisoner—his physical and moral condition, conduct, and events in his life.

The chaplain is pastor of the Catholic prisoners. In religious conduct he is subject to his ecclesiastical superiors, and in relation to the service, to the director. Religion is taught in the school, and twice a year the chaplain conducts an examination in the subject.

Religious teachers of other than Catholic faith are permitted access to the prison, under its rules, and all religious teachers are expected to be conciliatory and friendly in their relations to prisoners of different faith.

The physician renders professional help gratuitously to officers and prisoners, watches over sanitary conditions, visits each cell at least once in three weeks, inspects food, controls supplies of medicines, renders an annual report.

The house teachers give instruction to those who need it, especially in the department for young prisoners, in the elementary school branches, music, and agriculture, cares for the library, and conducts the choir, under the direction of the head teacher. The older and younger prisoners are taught in two separate schools, with two grades in each school. All prisoners under 35 years are required to attend, and older persons are not excluded. Teachers are required to give special attention, in giving instruction and in selecting reading, to the awakening of the moral sense and regard for law. They are to study the individual character of each person, and seek to influence his conduct. Guards help to keep order in schools. Records of school work are kept for each prisoner. Semiannual examinations are given and premiums for special excellence are distributed.

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[a] In the translation of Austrian documents I have been assisted by my students, Miss René B. Stern, Mr. H. L. Richardson, Mr. Karl Stein, and Mr. J. Holm. C. R. H.

The inspector of guards is responsible for the conduct of the overseers, and is required to assist the director in maintaining discipline. He is required to be in the establishment during work hours; to inspect cells; to keep inventories of clothing, furniture, etc., and acts on the commission for examining candidates for positions as guards.

Guards must have these qualifications: They must be Austrian citizens, not over 35 years of age, of good health, unquestioned character; must be able to read and write both the languages of the country, and have certificate of military service. Men who can teach trades are preferred. The first examination is provisional. A definite appointment follows only after a year's probation, in which the candidate has shown his fitness for the place and passed a second examination by the director, steward, and inspector of guards. The appointments of guards are made by the house commissioner; that of the chief of guards by the superior counsellor of state, after a competitive test. The guards wear uniforms and carry sword and firearms when on duty, and arms may be used only in case of necessity.

Guards are not permitted to marry without consent of the counsellor of state, the penalty being dismissal. Only a certain number of guards may be married men. Guards must have no financial dealings with prisoners; must be kind but firm with them; address them respectfully (usually with "Sie"). Guards are subject to disciplinary punishments for violation of rules of service—oral reproof; written admonition; oral reproof before other guards; deprivation of privilege of going out on free days; incarceration for twenty-four hours, with or without fasting; reduction of grade; expulsion from service for serious offenses, or where previous penalties have failed of effect. The authorities who pronounce penalties are the director, house commissioner, and superior counsellor of state, with appeal in important cases to the minister of justice.

[The various duties of the guards are described with much detail (articles 161 to 269), not necessary to give in full here, since the German and other documents cover the same points. C. R. H.]

The Prison at Korneuburg, its Scope.

[Statutes of the National Institution of Penal Servitude of Lower Austria, at Korneuburg. Ordered at Vienna, December 17, 1897.]

General laws.—§ 1. *Purpose of the institution.*—The National Institution of Penal Servitude at Korneuburg is for persons of the male sex, who have passed their eighteenth year of age, are held to be admissible by the law, officially published May 24, 1885, and it aims to habituate the arrested to an industrious life and give them the best possible chance to earn their living in an honest way after their dismissal from the institution.

§ 2. *Appellation.*—The arrested are called "Zwänglinge"—i. e., men who are under compulsory regulations.

§ 3. *Means for the purpose.*—The means that answer the purpose of the institution are: (*a*) Pastoral care; (*b*) the endeavor to accustom them to labor, agricultural or industrial.

§ 4. *Conditions for admission.*—The prison of Lower Austria [at Korneuburg] receives only individuals of the male sex, who have passed the eighteenth year of their age, and whose delivery was ordered by the national commission.

INSTRUCTIONS FOR THE SERVICE OF THE DIRECTOR AND OTHER OFFICERS.

§ 1. The staff of officers in the Lower Austrian State reformatory, in Korneuburg, is to consist of one director in the seventh-rank class, one officer in the ninth-rank class ("Revident"), one officer in the tenth-rank class, two assistants (aspirants). One of these officers has the care of bookkeeping and treasury work; the other must conduct business of manufacture. In these instructions the first shall be called treasurer, the other material officer. All officers as well as assistants are subject to rules of service and are entitled to the emoluments authorized by the Lower Austrian Diet.

§ 2. The appointment of every officer and assistant is made by the State board of commissioners. The appointment of director must be confirmed by the imperial Government.

§ 3. During the performance of their service in the institution all officers must appear in proper uniform.

§ 4. In all service and work of the institution the director has the highest supervision. He is responsible for the proper and full observance of all laws and instructions in the institution. Without permission from the board of commissioners he can not absent himself from the institution more than twenty-four hours.

§ 5. The employment and dismissal of watchmen is in the hands of the director. He must give his consent to employment and dismissal of officers, as well as to any contract for service between accepted servants. According to his judgment he distributes the work among officers and servants, under the regulations.

§ 6. The directors' leading and oversight pertains especially to: (1) Personal treatment, boarding, clothing, and the training of convicts and correctionals; (2) cleanliness, health instruction (especially in view of cleaning, ventilation, heating, and lighting rooms), and care for sick; (3) holding of service, religious and school instruction; (4) maintenance of buildings, tools, and storehouses; (5) conducting of treasury accounts, bills, lists, etc.; (6) the business with the boards, and (7) behavior of all employees in the institution.

§ 7. In order to fulfill the duties of this service the director must go outside of his office as much as possible, and at unexpected times look after all interests.

§ 8. He must receive every morning and evening the report of the senior officer regarding regular service and other matters. All announcements which need reply he must, if possible, attend to promptly.

§ 9. The director exercises the power of discipline (punishment over convicts and correctionals) as well as the oversight over officers and watchmen, according to existing rules and directions, and he watches over the proper execution of penalties. In case extraordinary conditions arise he is authorized to give necessary instructions, and after violation of law by convicts he must make proper arrangements, and must especially keep a watchful eye over the beginning of conspiracies. If in the institution peace and order is disturbed, the director is then bound to call the assistance of the militia if he can in no other way restore peace. In such a case he must, however, through telegraphing, inform the district officer as well as the city authorities and commissioners.

§ 10. He must continually look after regular and proper keeping, as well as proper and continuous employment of the convicts and correctionals. The necessaries for housekeeping, as well as the needed material and tools for the occupation of convicts are to be obtained by the material officer with his consent. After consulting with the material officer he makes the proposals to the State commissioners concerning the carrying on of business and makes changes by which work is to be done by convicts and correctionals. Without his permission no convict can do any other work but that to which he is appointed by the director. Prices for work and wages are to be calculated by the foreman and proposed by the material officer in writing, while the director decides them.

§ 11. The director, with the assistance of the material officer, makes an advanced yearly budget for the necessaries of the institution, and is therefore responsible for the budget and its outcome.

§ 12. Accounts, which are at certain periods sent to the board of commissioners, are given first to the director for inspection and correction.

§ 13. At the end of every year the director submits a report concerning all official matters to the board of commissioners. During the year he makes at stated intervals such reports as are necessary and brings to notice all important occurrences.

§ 14. In the absence of the director it is left to the commissioners to appoint one of the other two officers, who as substitutes have his authority. In such cases the substitute has to observe the instructions for the director.

§ 15. To the office of treasurer belong the business of the institution treasury, the keeping of books, notices, etc., which do not belong to the material officer. The treasurer must do all such work as the director sees fit to give him. In all things the treasurer must act according to the treasury instruction. The treasurer receives all incoming money and pays all bills which are by the director so ordered. At the end of every month, or as often as the director sees fit, the treasurer must give an account of the state of the treasury. Treasury books, accounts, and the monthly reports are to be signed by the director and treasurer. Concerning the day and night inspection service in the institution the treasurer must confer with the material officer and the two assistants.

§ 16. The material officer must look after all accounts, stores, stock, and housekeeping, the execution of work among convicts, as well as shipment of factory products

§ 17. For his support he receives an assistant.

§ 18. All stores under his care are under his sole administration. He is required, however, at the desire of the director, to open the storehouses and submit the books for inspection.

§ 19. It belongs to the duty of material officer to obtain all necessaries for the house, all working material and tools, look to shipments, use of property, etc., in conference with the director. Concerning the shipment of goods he must at all times keep record. In case such goods are not immediately used, he stores them away into the storehouse and from there gives them out.

§ 20. All articles produced in the institution he also removes to the storehouse, and from here delivers them at set prices to the rightful owners. The fixing of prices for the products and wages is done by the director, after the foremen and material officer have submitted their calculation and proposals.

§ 21. The conduct of factory, material, and storehouse accounts, as well as the making out of bills, is done under his direction by his assistant. To the assistant the keeping of the invoice and other office work can be given by permission of the director and under the direction of the material officer.

§ 22. Under his immediate supervision are the tools and instruments for work, which are under the care of foremen and overseers, as well as the stocks and goods intrusted to overseers. This oversight he exercises by proving the invoice books, taking account of stock, looking over the books, and controlling the weight, measure, and quality of stores, several times during the year.

§ 23. Also the use of material for work he controls through repeated examinations.

§ 24. The material officer is permitted and bound to assure himself concerning the condition of the invoice, which is given in trust to a special officer.

§ 25. He fixes the wages (with permission from the director) of the convicts and correctionals, sees that they are employed, cares for quality of work and for well-regulated shipment of products.

§ 26. The director and material officer must have especially the financial interest of the institution at heart. It is therefore their duty to give continued attention to the commercial interest, the reasonable supply of working material and tools, the necessaries of the keeping of house, openings for selling products, the spending of the wages of convicts and correctionals, as well as care for good use of tools, etc.

§ 27. In order that he may do this, he must spend his spare time in the rooms of the institution and must everywhere keep an open eye. He must especially watch the overseers and workers in the wash rooms and kitchen, and insist on having clean dishes and the proper distribution of meals, etc.

§ 28. The material officer must so care for all business pertaining to keeping of house as is legally intrusted to him, while the director here also has the highest supervision and control. He must, therefore, give immediate notice about such things especially as are of vital importance to the director, and must give him an explanation of their occurrence. In like manner is he bound to observe all directions concerning such business as the director gives.

§ 29. At the close of every year he must give such helps and instruction as are necessary for making of a yearly report, in such a form that they can be entered into the report at the proper place as an independent statement.

§ 30. Assistants must, besides their regular work, complete all such work as is given them by the director, and he must continually watch that they are always thoroughly instructed in all branches of the institution service, and so be educated and trained to be good officers. He must especially see that at least one of the assistants prepares for conduct of agricultural business.

INSTRUCTIONS FOR THE SERVICE OF GUARDS AND OVERSEERS.

General duties of the overseers and guards.—§ 1. The overseers and guards are subject to the orders of the director of the institution, and it is their duty to treat him, as well as the remaining officers and functionaries with respect, and to promptly execute their commands.

§ 2. The overseers shall be appointed by the State Commission of Lower Austria, and the regulations of public service are applicable to them. Their privileges are regulated by the Diet.

§ 3. Those who are selected as guards must be citizens of Lower Austria, must be sound in body and mind, less than 40 years of age, unmarried, have completed their military service, and they must show that their previous life has been without stain, and that they have a knowledge of reading, writing, and arithmetic. They shall be received on the proposal of the directorate by the state commission and draw supplies apportioned to the places. Guards may leave their positions upon giving a notice of fourteen days. The directorate can discharge guards, after securing consent of the state commission, upon fourteen days' notice, without giving reasons. Likewise can the management, with the consent of the state commission, order the immediate discharge of a watchman. In case of the necessity of the immediate discharge of a guard, this may be done by the directorate itself, and afterwards secure the approbation of the state commission.

§ 4. The overseers, as well as their widows and orphans, are entitled to a pension. The guards have a claim, according to the amount of their service, stated in the standing rules of the service of Lower Austria.

§ 5. Leave of absence up to eight days may be granted to overseers and guards by the director of the institution. A longer leave of absence must be obtained through the director from the state commission.

§ 6. The guards must lodge in the institution.

§ 7. The conduct of the overseers and guards should be grave, seemly, and courteous. They should never forget that they have been appointed to preserve the order and security of the institution, as well as to detect and render innocuous the acts of dangerous persons. Every form of encroachment, all roughness in word or deed in the performance of his duties, brings his service into disrepute and renders his intervention more difficult. It should be habitual with the overseers, jealous of their good name, to exercise mutual watchfulness, and wherever it is possible to suppress vices and bad habits in their very inception.

§ 8. While on duty the overseers and guards must dress well, neatly, and according to regulations. When not on duty they may wear the dress of a civilian.

§ 9. During the performance of their duties, it is not permitted the overseers and guards to smoke tobacco.

§ 10. Intercourse with people of doubtful reputation, and likewise the visitation of evil and vicious persons is forbidden. Nor may such persons be permitted to visit the quarters of the overseers and guards, nor may they be brought there by others.

§ 11. Although it may be assumed that the overseers and guards would never be addicted to drunkenness, yet on account of the consequences an explicit warning is given against this vice. Excessive indulgence in spirituous liquors, gambling, carousing, and the contraction of debts are vices which in the guards and overseers must not be tolerated in the least, and therefore they must be expelled with unrelenting severity.

§ 12. The indispensable virtues for overseers and guards are incorruptibleness and veracity. But by incorruptibleness it is understood that one is incapable of corruption not only through money or its equivalent, but also that he will not permit himself to be seduced from his duty by relationship or friendship, by personal likes or dislikes, or, in general, by any sort of motive; and he must always give the requisite reports of his service with absolute truthfulness.

§ 13. The overseers and guards must hold the inmates for restraint and reform to a most exact fulfillment of prescribed conditions with zeal and reasonable admonitions, but in no way by the use of arbitrary power. Should an inmate fail to treat an overseer or guard with proper respect, the officer is not permitted to obtain redress by the use of personal force, but concerning the matter he should make a short, truthful report.

§ 14. In case that an inmate should become violent or aggressive against the one over him or should undertake to do any act where danger would result from delay, then it is quite proper for the overseer to even use physical force against him, either alone or in conjunction with his comrades, and, indeed, the circumstances demand this to prevent a greater evil to the bold assailant.

§ 15. The overseers and guards should wear uniforms and be sufficiently armed. When the overseers and guards who are armed with guns and revolvers return to their quarters from their duties they should carefully unload their guns and revolvers and deposit both weapons and ammunition in a guarded manner in some prescribed place, so that they may not come into the possession of those to whom they do not belong, in which event every man is held responsible.

§ 16. The overseers and guards can make use of their weapons against the inmates in the following instances: (1) In the case of necessary defense to ward off an attack upon his own person, upon that of some functionary or other officer, or upon another inmate; (2) in case of insurrection and riot, in so far as it is necessary to quell the insurrection and to restore order; (3) in the case of breaking out of prison, if the inmates should resist capture, either by force or threat of injury. The use of weapons should not be extended beyond that which is absolutely necessary, as in the prevention of breaking out and escape, the quelling of riot, and resisting of assault. Whenever it is possible there should be a preliminary summons to return and obedience. The overseers and guards should be vigilant against every form of excess in the use of weapons, and, except in the case of the most imperative necessity, they should never omit to call help to their aid, rather than to proceed alone with a greater use of violent means. In addition, also, there may be an exigency when immediate action is necessary and when the director is not present. Then the overseers are authorized to arrest an inmate provisionally. In such a case, however, one should make an immediate report to the director.

§17. Although the overseers and guards remain permanently in the institution, nevertheless they should be so classified that unless weighty reasons should prevent every man may have at least eight hours in every twenty-four for rest, and one afternoon every week for his own free disposal.

§18. During the walks of the inmates, as well as whenever the director thinks it necessary for the good of the service, all the overseers and guards must be present in the institution and perform their duties. In like manner it is their duty on their free days to return into the institution at the prescribed hour.

§19. Overseers and guards must make a daily report to the superintendent: (1) Respecting the condition of their departments, distinguishing between the well and the sick, the employed and the unemployed; (2) concerning the offenses against internal order on the part of the inmates; (3) concerning their desires, requests, and grievances; (4) concerning the needs for the next day in the way of clothing, utensils, and materials and tools for work; (5) concerning obvious defects in the buildings, or about any other need that has occurred. Exigencies and needs which will permit of no delay are to be reported immediately.

§20. The overseers and guards must make it an invariable rule to always close every door behind which the inmates are guarded, and they should not neglect this custom when they leave the door even for the shortest possible time. Should they find a door open when it should be locked, they must see to it immediately that it is locked.

§21. The overseers and guards should take the most conscientious care of the keys intrusted to them, and especially should they never give an opportunity for the keys to come into the power of the inmates. Should a key be lost, it is their duty, on pain of dismissal, to make an immediate announcement of the fact and to summon everyone in order that the lost key may be found. No overseer or guard is permitted to make repairs or changes in the locks or keys on his own authority, nor may he allow anybody else to make them. Should such repairs or changes be necessary or desirable he must report to the steward of materials, and the latter can obtain an order about it from the director.

§22. The overseers and guards are not permitted to employ for themselves any of the inmates in any service whatever except in certain instances, when there has been an express permission from the director.

§23. The overseer and guards are held responsible for the property of the institution which has been delivered to them for their personal use, and they must keep a record in which all that they have received and returned is carefully enumerated. In the same manner they should keep watch of that portion of the utensils and tools intrusted to the inmates. They must report any damage that has been done, and if they fail to do this they will be held responsible for the injury. Should any of the property which is in the care of an overseer or guard become useless or lost the aforesaid overseer or guard must make a report to the superintendent, in order to obtain his consent to have such articles marked off by the steward of property.

§24. The inmates must be addressed by the overseers and guards with "Sie" [i. e., the German respectful address].

Special duties of the two superintendents.—§25. The superintendents are next in rank above the overseers and guards. They are therefore responsible that these latter should perform their duties according to the prison regulations and the instruction of service, and on their part they must prevent all lawlessness, abuse, and negligence.

§26. As their task is to superintend the overseers and guards and see that they treat the inmates humanely and kindly, that they voluntarily perform their tasks, that they never indulge in any unseemly jest or any other indiscretion with the inmates, and that they never carry to them any news or mail, so, first of all, it will naturally be required of them that in all their relations with the other overseers and guards they shall set a good example. The superintendent shall be well disposed and shall act without partiality and precipitancy, but with deliberation and calmness. But if his instructions and admonitions and warnings become fruitless, then it is his duty to take up the matter with energy and report the delinquent to the director for punishment.

§27. An especial care of the superintendents must be to see that all intercourse between the inmates with each other shall be only according to the prescribed prison regulations, so that every attempt of the convicts to communicate with the correctionals, or the reverse, shall be absolutely checked.

§28. The special duty of one of the superintendents is to have supervision of the prison police, and the duty of the other is to have charge of the prison management. The first is called the "superintendent of the prison police" and the other is called the "superintendent of the housekeeping." Both superintendents, however, must furnish mutual support in their specially assigned duties.

§ 29. From the time that the inmates arise till they go to sleep one superintendent must continually be in the institution. They must therefore alternate with each other according to some established order in their times of eating and in their Sunday and afternoon absences, and a special announcement must be made to the director of any departure from the rule. In the event of accidental absence or inability the director shall grant the power of superintendent to an overseer.

Special duties of the superintendent of the prison police.—§ 30. This superintendent watches over the management and behavior of the inmates in all the rooms of the institution, and takes care that the going out of the working force shall take place at the right time and according to the directions for prison management and the special instructions of service.

§ 31. In his tours of inspection he should at the same time satisfy himself regarding the cleanliness, the temperature, the ventilation, and the light in the separate rooms, and pay especial attention to the condition of the doors, the windows, the gratings, and the water-closets.

§ 32. He should pay especial attention to the water pipes, to the heating arrangements, to the telegraph and telephone instruments, as well as to the gas fixtures.

§ 33. Both morning and evening, on the basis of the events of the night and the day, as well as from the reports of the other overseers and guards, he is to make a written report to the director; but concerning weighty matters of which he is cognizant he is immediately to make an oral report to the director.

§ 34. He should make a report to the inspection officer regarding the number of workmen of the inmates, and obtain from him a statement of the work to be done. He also is responsible for a conscientious treatment of evident cases for discipline.

Special duties of the superintendent of housekeeping.—§ 35. The superintendent of housekeeping must institute and superintend the bodily examination and cleansing of the inmates from their entrance into the institution. To the same shall belong (1) the disinfection and custody of the garments and laundry which the inmates bring with them; (2) the custody of the supplies of bedclothing, garments, laundry, and shoes; (3) the care of all the household furniture; (4) the care for the fuel and material for lighting. All money and other valuables which the inmates bring with them should be delivered to the treasurer.

§ 36. Concerning the matters in (1 to 4) § 35 he should keep an itemized account. When repairs on furniture are necessary he should notify the steward of material. In the delivery of laundry, etc., for washing, he should take especial care and should keep a double record, in order that all articles washed may be returned.

§ 37. He shall see that sufficient supplies of materials for cooking are supplied to the kitchen, that the food is properly prepared, and that a just distribution is made to the inmates. He must therefore be unremitting in his oversight of the kitchen, and must decidedly insist that within it there shall be kept the greatest cleanliness.

Special duties of the overseer of the kitchen.—§ 38. Every evening the overseer of the kitchen shall receive from the superintendent of housekeeping: (*a*) A statement of the number of inmates—(1) the well, (2) the sick, (3) those under discipline, and (4) the prison officials who are to be fed; (*b*) a statement of the proper food as a dietary for these classes. Should the overseer of the kitchen receive his food supplies in a poor condition, or should they be lacking in weight or measure, he should immediately announce that fact to the steward of materials.

§ 39. The overseer of the kitchen is responsible that no part of the food, fuel, etc., delivered to him should be diverted to any other than the specified use, and that it should not be destroyed nor wasted.

§ 40. All food must be prepared according to a dietary which has been furnished to him.

§ 41. The overseer of the kitchen must dispose of the remnants of the food according to the directions of the steward of materials.

§ 42. The food must always be ready exactly at the appointed hour for giving it out, and must be prepared beforehand for distribution.

§ 43. The overseer of the kitchen must continually and energetically look after the cleanliness in the preparation of food, in the kitchen, the pantries, and of all dishes and utensils.

§ 45. He must keep a record of everything in the kitchen, and in this he must record all articles received and given out. For the preservation of everything in this inventory he is responsible. Should any of the utensils become useless, he should report to the superintendent of housekeeping for further action.

§ 45. He must look after the condition of the cooking utensils, the fireplaces, the steam and water pipes, and the drains, and be careful to have the copper vessels tinned at the proper time. In this capacity he should report any observed defects to the overseer of buildings.

§ 46. For the preparation and distribution of food, and for cleaning the kitchen and washing the dishes, the overseer of the kitchen should have as assistants a cook, a servant girl, and a sufficient number of inmates.

§ 47. When there is needed for the kitchen smaller articles, which are not regularly kept in stock, he should notify the steward of materials through the superintendent of housekeeping, and the steward will have the responsibility of filling the need at the proper time.

§ 48. The overseer of the kitchen should most zealously watch that the inmates which have been given to him as assistants shall exactly perform their appointed tasks, shall be most scrupulous in cleanliness, both in person and in the work in which they are engaged, and shall not be permitted to commit any impropriety, in which last event it is his duty to give immediate notice to the superintendent of prison police.

Special duties of the overseer of the hospital.—§ 49. An overseer should regularly be appointed to assist the prison physician and to superintend the nurses. The same shall be in rank of office just under the hospital physician, in the rank of the guards under the superintendent of guards.

§ 50. This overseer, in company with the superintendent of housekeeping, shall have charge of the bodily examination and bath to which every inmate is subjected on entering the institution. Every newly arrived inmate must be brought before the prison physician for a medical examination.

§ 51. The overseer is not permitted to receive any inmate into the hospital without an assignment from the prison physician. In case of sudden sickness the assignment is made by an inspection officer, and he should give immediate notice to the prison physician.

§ 52. The overseer should accompany the physician in his round of visits to the sick and should keep a record respecting the diet ordered and of the medical direction of the hospital, and should keep a record of the time when the sick entered and when they went out of the hospital.

§ 53. The overseer is expressly charged to carry out exactly the directions of the prison physician, and not to undertake anything on his own responsibility. He is absolutely forbidden to give out any medicines from the medicine stores without a special order from the prison physician.

§ 54. When the sick are given some liberty the overseer, as a rule, must look after them himself, or he must delegate someone else to look after them. In this he must take the utmost care that the convicts do not communicate with the correctionals.

§ 55. Should an inmate become dangerously ill, at the command of the prison physician he should notify the prison chaplain; in a case of necessity he should do this without such a command. In the event of death, what is proper to be done will be made known to the overseer in each particular case. At any rate, should death occur it is his duty immediately to notify the inspection officer.

§ 56. The overseer of the hospital should be careful that the washing of the unclean, or of those having infectious diseases, should not be mixed with the remaining clothing and bed linen.

§ 57. The overseer of the hospital should pay the most strict attention to the proper temperature and continuous ventilation in the sick rooms, and to the greatest cleanliness in every place.

§ 58. There shall be provided the overseer of the hospital the necessary assistants to watch at night.

§ 59. The overseer of the hospital must keep an exact account of all supplies, bedding, laundry, etc., and he will be held responsible for everything that is missing.

Special duties of the overseer of buildings and machinery.—§ 60. The overseer of buildings and machinery should become perfectly familiar with the plan according to which all portions of the institution have been constructed. At least once a week he should go throughout the institution in all its parts in order to test the material condition in every aspect. He should pay especial attention to the roofs, the water pipes, the woodwork of all kinds, and to the heating places.

§ 61. It is his duty to see that the various rooms in the institution are heated at the right time and in the proper manner. To aid him in heating he must have assistants who shall be under his immediate direction. The fuel, about which he is charged to be especially particular lest it be wasted, he may obtain from the steward of supplies.

§ 62. He has charge of the entire apparatus of gaslighting. All repairs that are necessary he should immediately report to the director.

§ 63. The charge and inspection of the water mains and the wells, as well as of the apparatus for extinguishing fires, belong to him.

§ 64. It is his duty to have immediate oversight of the steam boiler. With the help of the firemen he should see to the filling and heating of the boiler and to the regulation of the steam. He should attend to the height of the water in the boiler, the atmospheric pressure, and the condition of the safety valve. He orders the time for the beginning and the duration of the pumping of the water. He regulates the height of the water in the wells and the reservoirs. He distributes steam according to the needs and the directions which from time to time come to him. Whenever it is needed he should cause the boiler to be cleaned.

Special duties of the overseer of the laundry and of the bathroom.—§ 65. The overseer of the laundry receives the washing of the institution from the superintendent of housekeeping. Of this he should keep a list, and for the correct return of it he is responsible.

§ 66. It is his care to take the washing from the steward of supplies, properly handle it, and carefully wash it clean. In order that mended materials may be used again, he shall deliver the list to his principal, who shall separate from the articles and garments to be washed whatever is in need of repair. He is responsible that any supplies furnished to him for washing shall neither be diverted to any other purpose or be set aside.

§ 67. As overseer of the baths he must, with his assistants, look after the proper preparation and management of the bathing arrangements.

§ 68. Finally, there shall be committed to him the care of the disinfection oven; and he must see to it that all articles intrusted to him for disinfection neither receive harm nor are ruined through his negligence; and in case of evident carelessness on his part he must make restoration.

Duties of the captain of the guards.—§ 69. The captain of the guards is in rank just under the superintendent of the prison police.

§ 70. He must arrange the daily service. Should an overseer or guard receive a particular task from the director, the captain can not divert him to another task without a special order from the director. In the apportionment of service for individuals, he must be absolutely conscientious, and see that overseers and guards alike are kept busy. He is always to make known in advance the apportionment of service for the next day. He determines for each overseer and guard the times for eating, and likewise appoints the days when each one is free and may leave the institution.

§ 71. He has the control of the precise execution of the continuous service. If any lawlessness should occur, he must quell it immediately and report the same to the director.

§ 72. He must also be careful that the guards keep the strictest order and cleanliness in the guard rooms, and that they remain dressed neatly and according to regulation.

Special duties of the foremen of work.—§ 73. The foremen, among whem there is the chief baker, are selected from among the overseers and the guards.

§ 74. They are not permitted to carry out any work in the institution, or to allow any work to be carried out by means of the inmates, unless they have an order for it from the steward of supplies. In such work also they are not permitted to employ specially appointed inmates.

§ 75. The foremen must see to the orderly and uninterrupted employment of the inmates. To this end they must obtain from the steward of supplies the raw material for work, have it ready at the right time, prepare it, cut it up, and in general have it all ready for the workmen; and they must likewise provide the necessary tools and keep them in good condition.

§ 76. The foremen must be present in the workshops from the beginning to the end of the working period, and they must direct and superintend the work of the inmates. Should he in one way or another be hindered, he should in every instance report this to the steward of supplies, and take care that meanwhile the inmates intrusted to him for work are superintended by some other overseer.

§ 77. They shall instruct in their work the inmates that have been assigned to them; they shall keep a memorandum of the work which they turn out, of their diligence and worthiness. When an inmate has been appointed to any special task, he can not be taken from it and given another without the express permission of the director.

§ 78. When other guards are appointed to a foreman's department of work, they come under his special oversight, and he is responsible for their efficiency. In all orders which he may give respecting the work, these guards owe him obedience. Those who are insubordinate he must instruct, advise, and warn, and if this does no good he must report to the director.

§ 79. The foremen, in the presence of the steward of supplies, should scrupulously test, with respect both to quantity and quality, all the goods which have been purchased from the institution and all the material which remains from the manufacture. When there has been dishonesty, there should be immediate dismissal, but when carelessness there should be some other punishment.

§ 80. He should keep a regular record of the raw material which he has received and of the goods which have been manufactured. All finished articles should be delivered only to the steward of supplies. He should have a continuous record of the tools and their condition as they go out and come in.

§ 81. They are responsible for all materials and tools committed to their custody and oversight, and when they are to blame they must make good all losses.

§ 82. All work is done in the interest of the institution, and all profit should flow into the treasury. The foremen, therefore, are expressly forbidden to do any work outside or to receive any per cent or bribe from the contractors or those giving the work, or to accept any such thing.

§ 83. In the determination of the cost of manufacture or labor the respective foremen will present to the director a written estimate.

§ 84. In all matters pertaining to the prison police the foreman makes his report to the superintendent of the house police, but in whatever pertains to the work he reports directly to the steward of supplies. Foremen stand accordingly, in their relation to the police of the prison, just under the superintendent of the police, but in the matter of the work they are under the steward of supplies.

§ 85. The foreman of the bakery should receive each day from the superintendent of housekeeping a statement of the quantity of bread necessary for the next day.

§ 86. It is his duty first of all to care for the orderly management of the bakery; and he should require that in all its parts, and by the helpers that are assigned to him, perfect cleanliness should be preserved; and that the materials as well as that which is made into bread should not be destroyed or wasted; he should keep an orderly inventory of all materials which have been given to him, and of what he has used in baking; and as for the rest he should follow the directions for foremen as they are laid down in the preceding paragraphs.

Special duties of the night controller.—§ 87. The guards appointed for night duty by the director report to the overseer.

§ 88. It is their duty to observe that the night guards are in their places and that they do not sit down or sleep; they have in their rounds to record their presence and efficiency; and they are to look into the rooms of the inmates and to sharply observe whether any fire is issuing from them.

§ 89. The night controller must always be observant of anything dangerous to the order or safety of the institution, and if he observes anything he should immediately give the alarm in the guard room and wake up the director.

§ 90. It is the duty of the last night controller to wake the officers for the day, and when they are all in their places to give the bell signal for the inmates to arise.

§ 91. The night controller should make a written report of any important happenings during his time of control.

Special duties of the sentinels.—§ 92. The places where the sentinels are to stand are determined from time to time by the director.

§ 93. It is the duty of the sentinel to prevent anyone from climbing the wall either from the inside or from the outside, to see that no article is conveyed from the inside to the outside, or the reverse, and in fine to prevent any communication with the institution and any person in it either from the inside or outside.

§ 94. It is the duty of the sentinel also to observe that there should be no act or omission which is not permissible by the prison ordinances or other regulations.

§ 95. As a rule a man must remain uninterruptedly at his post for two hours. It must be only in the very coldest weather that one can obtain permission from the director to shorten the time of his sentinel duty.

§ 96. The work of changing the sentinels during the day is done by the overseer or his deputy, and in the night it is done by the one who is night controller at the time.

§ 97. The sentinel must always be dressed completely and according to regulation in uniform, and he must carry his gun with fixed bayonet over his right shoulder.

§ 98. The sentinel should have the necessary number of cartridges, in a cartridge case, which while on guard he carries in front of him. Likewise it is his duty to carry his loaded revolver, kept in the revolver pocket.

§ 99. He is forbidden to omit the customary military expressions of respect, and he is absolutely forbidden to engage in conversation with anyone.

§ 100. Those of the guards who have been called to sentinel duty, during the time they are not at their post, must keep themselves in the guard room.

§ 101. In case of urgent events the sentinel should touch the key in the neighboring sentry box and immediately announce them to the overseer or night controller. When he is relieved from his post, any information which he has he should give to the overseer or the respective night controller.

§ 102. Any watchman appointed to be a sentinel who should eat during the performance of his duties, or should go to sleep at his post, will be at the first instance unrelentingly and immediately dismissed from the institution without any announcement or indemnification.

Concerning the punishments for the transgression of the instructions for service.—§ 103. For the transgression of the instructions or for other negligence in service, as well as for disorderly behavior outside of service, the following punishments are decreed:

(*a*) For the overseers—(1) Reprimand; (2) extra guard duty; (3) fine from 20 kreutzers to 5 florin; (4) deprivation of leave of absence for a period up to three months; (5) dismissal from service. The last punishment may be ordered only by the Diet on the recommendation of the state commission. From the decisions of the director regarding punishments there is no appeal.

(*b*) For the guards—(1) Reprimand; (2) extra guard duty; (3) fine from 20 kreutzer up to 3 florin; (4) deprivation of leave of absence for a period up to three months; (5) dismissal from service. The punishments from (1) to (5) are in the jurisdiction of the director, but a report of them must be made to the state commission.

The sixth form of punishment, namely, dismissal, is decreed by the commission on the recommendation of the directorate. From the decisions in respect to all these punishments there can be no appeal. In all the punishments of overseers and guards the proper official record of the evidence should be kept. When an overseer or guard has been dismissed from an institution he can under no circumstances be received again.

§ 104. The fines, under the direction of the institution, flow into a fund for the support of the heirs of the married overseers and guards. Support from this fund may be given by the directorate only with the consent of the state commission.

OFFICIAL INSTRUCTIONS FOR THE PORTER.

§ 1. The porter belongs in the class of servants in the reformatory and is subject to existing rules for servants.

§ 2. Outside of persons belonging to the institution he is permitted to admit no one and he must always keep the gate locked. He must give special attention to persons leaving the buildings, and carefully watch that nothing be carried away concerning which the director has not given permission.

§ 3. If there should arise the suspicion that someone was attempting to take away or secretly bring into the institution something, then he must arrest that party and bring him before the inspector.

§ 4. The porter is not permitted to hold any conversation with anyone at the open gate.

§ 5. In case anyone wishes to visit the institution, one of the prisoners, or one of the officers, he is to be conducted by the porter either to the waiting room, or to the office, or dwelling place of the officer.

§ 6. The porter has to be keep a record of all persons entering and leaving the institution, as well as of the time of entrance or exit. This record he must submit daily to the director for inspection and correction.

§ 7. Convicts who have any matter to bring before the officials may only be admitted to the office, when the porter has first announced them to the inspector and from him received permission to admit them. Until then they have to wait before or outside the gate.

§ 8. The porter is not permitted to give anyone any information concerning the institution or the prospects of its inmates, but he must direct such persons to the inspector.

§ 9. All observations which the porter can make and which may affect the order and peace of the institution, he must at once report to the director or in his absence to inspector.

§ 10. In case the porter leaves his post any length of time an overseer or watchman is appointed previously as substitute. Only to that one substitute and to no one else is he permitted to give the door key, which he must always carefully guard.

§ 11. These instructions are to be observed by the porter's substitutes as well.

THE LIFE OF PRISONERS.

RECEPTION OF PRISONERS.

[Statutes of prison at Korneuburg, Lower Austria.]

Classification of the convicts.—§ 7. Convicts are classified into three categories. Each newcomer is connected with the third category, and will, according to his behavior, pass into the second or first category, from which, however, he may be expelled and again classified in the third, if there be need of such punishment.

RULES OF CONDUCT.

[House regulations and rules of service for the Royal Prison for Men, at Marburg, 1889.]

Prison for men (apart from the rules for minors, which follow the same order and principles, with adaptations to the needs of youth).—§ 1. The penalty of imprisonment, first and second grades, is served in the prison at Marburg, partly in cellular isolation and partly in common. Minors are treated in a separate division, whether in isolation or common life is decided by the chief director, according to established rules and after conference with the officers. The chief director and the board appointed with him determine which prisoners must serve out their whole time and which only a part in isolation; but the penalty of isolation must not in any case exceed three years. * * *

§ 2. Every offender in isolation shall be kept in a separate cell by day and night, except at religious worship, school instruction, and exercise outside.

§ 3. Those offenders who have spent none or only a part of their term to which they were sentenced in isolation, or in common in the youths' department, must fill out their whole unexpired time in common outside the youths' department.

§ 4. Every convict must serve the first third of his sentence in the first class, the second in the second class, and the remainder in the third class. The time in the first and second classes must not usually exceed three years.

§ 5. Exceptions: First, those who have already served for offenses against property in an Austrian prison and who have been returned for a similar offense to the institution within a period of ten years; second, those who, either while serving their time for an offense in an Austrian prison or within six months after their release, repeatedly commit the same offense, and who must therefore serve additional time. These must serve the first two quarters of their sentence in the first class, the third quarter in the second class, and the remainder in the third class. Yet even in these cases the duration must not exceed five years in the first class and three in the second.

§ 6. The offender, after serving the time specified in §§ 4 and 5, may advance to a higher class only when he has not brought upon himself any additional punishment during the last six months. When, however, an offender has from the beginning of his term conducted himself in a thoroughly blameless manner, and by his industry and studiousness has made himself conspicuous he may, if he does not belong to the recidivists specified in § 5, be promoted by the prison director, even at the end of the first quarter of his sentence, into the second class, and at the end of the second quarter into the third class. If such an offender belongs to the recidivists of §5 he may, at the end of the first third of his term, be promoted into the second class, and at the end of two-thirds of his term into the third class. Every offender of a higher class is placed in a lower class if he is guilty of one impudent breach of discipline or of three lesser violations of the house order. Impudent answers, spitefulness, or opposition to the officers or overseer, refusal to work, malicious spoiling or destruction of working materials, clothes, and other articles, attempted flight, and similar misdemeanors, bring with them in every case removal to a lower class. Offenders of the third class who are guilty of anything that removes them to a lower class thereby deprive themselves of the privilege of advancing again to the third class. An exception to this may be made only after long and exceptionally good conduct on the part of said offender after preliminary consultation with the officers' conference by the chief director. Should an offender of the first class become guilty of an offense which, in the case of offenders in the second or third class, involves removal to a lower class the time of the offender in the first class must be prolonged six months over that specified in §§ 4 and 5. The penal extension of the time in the first class or the removal to a lower class can be excused by the institute director only after three months' thoroughly blameless and superior behavior on the part of the disciplined offender.

Treatment of offenders.—§ 7. The offenders are to wear the clothing of the institution. Those of the first class are to wear a scarf of white; those of the second, yellow, and of the third, dark; they are to receive in the institution the regulation diet prescribed and the customary lodging. The drink of the offenders is water, which every offender should receive fresh at least three times a day. All healthy offenders are to enjoy, in favorable weather and when they are not occupied with work in the yard and garden or with outside work—or housework in unlocked rooms, or are not in sequestration—all these are to enjoy daily one hour's free movement in the open air where they may also unite for gymnastic exercises. Offenders of the third class are allowed one hour's freedom in the open air on Sundays and holidays when the weather is favorable, both in the forenoon and afternoon. Israelitish offenders are to have, on the Sabbath and holy days of their religion, the same diet as all other offenders. In how far an exception to this may be made during their Easter (or Passover) festivals is prescribed in separate regulations.

§ 8. Every offender is to have his beard cut weekly and his hair every two weeks. The same is to be done, should necessity demand, immediately after his entrance. An offender of faultless behavior may, during the last three months of his sentence, receive permission from the superintendent to let his beard grow and wear his hair longer.

§ 9. Baths are to be given to offenders from time to time. As a rule every offender, unless the physician otherwise orders, or the water supply fails, must receive, alternately, in one month a body bath, and in the other a foot bath.

§ 10. Sick offenders are removed to the hospital except when their illness is slight and does not interfere with the progress of their work. Sick offenders in single cell may also be left in their cell with the above exception, if, in the opinion of the physician, their recovery is thereby not impeded.

§ 11. To every healthy offender is assigned some occupation with which he must unhesitatingly busy himself. In the assignment of this work the fitness, working ability, occupation previous to this time, and the future release of the offender must be taken into consideration. Working outside of the institution or doing some work of special trust within the institution is allowed, as a rule, only to offenders of the third class in congregate confinement.

§ 12. If the offender is unfamiliar with the work assigned to him the necessary instruction should be given therein. In every classification of work the specific amount of work—in so far as the character of the same allows—which an offender must do in one day is fixed by the superintendent in various grades. The lowest grade in the measurement of this work (day work) is in every case so to be measured that an acceptable moderate working efficiency during the prescribed working time can be produced within the limits of strenuous exertion. The higher grades are fixed for offenders of more than ordinary working efficiency. In deciding this labor scale of every individual offender this time must be subtracted from the regular daily work time, and is occupied by the offender attending school or in the pursuit of some other form of labor. In those labors whose character does not allow the fixing of a work scale the offenders are divided into classes by the superintendent according to their skill and individual strength, and one offender must produce the same amount of work as experience shows can be done by another of his class by the application of increased diligence. A stated amount of work within a certain period fixed by the superintendent is not given to beginners in any occupation, but of course their daily production and their demonstrated talent and diligence must be reasonably controlled.

§ 13. The offender has no claim whatever upon remuneration for his labor. In order, however, to increase the skill and interest in the work, the offenders, according to the standard of their production, are credited with gradually increasing portions of wages as remuneration for their labor, and through this, at the same time, their success after release may be made easier. These wages for every full, unencumbered day's work shall be, in the first class, 1, 2, and 3 kreuzer; in the second, 2, 3, and 4 kreuzer; in the third, 3, 5, and 6 kreuzer. If an offender has earned more during a month than is prescribed for him in this time, he is to be credited therefor with the same as is due those whose day's work has been in excess. To labors, whose nature does not allow the limitations of day work, the foregoing wage list is likewise applicable, and is determinated according to the remuneration of the class to which the offender belongs, and according to the quality of his work. If such an offender has, during the month, earned more than other offenders in his wage category can possibly earn by strenuous application, he can be credited with an excess wage by the superintendent, which, however, must not exceed one-third of the monthly remuneration in the wage scale.

§ 14. The offender may use half the amount credited to him during his penal time, partly to provide necessities, partly, with the consent of the superintendent, for the support of those belonging to him, and for other permissible purposes, as, e. g., providing himself with books and other means of learning, letter paper, soap, etc. The other half, and at his request, the unused remainder of the first half is invested in the nearest bank for production and accumulation; the accrued interest does not, however, go to the offender himself, but to the offenders' aid fund. At release of the convict the money to his credit and not yet expended will be handed over to him or to a local board in trust for his benefit; or, if he dies before discharge, all that he possesses will be paid his heirs, after cost of burial is met. The entire fund of a prisoner is liable for property injured by his malice or negligence. A small book is kept for each prisoner's account of credit and expenditure. When he goes out this book is signed by him, it having been examined and approved by him each month.

Extra favors.—§ 15. A prisoner may buy for himself 560 grams of white bread, 2 small cakes, 50 grams butter or bacon, 100 grams cheese, 150 grams cold roast or ham, 300 grams fruit, 100 grams salt, 150 grams sugar or lemons, 50 grams spices or herring, 3½ deciliter milk, coffee, or soup; 3½ liter wine, 7 deciliter beer, 2 hard-boiled eggs. Alcoholic drinks can not be obtained by youth under 16. The supply of extras occurs for the first class on Sundays, for the second class on Sunday and Thursday, for the third class on Sunday, Tuesday, and Thursday. The cost of extras for the first class can not in one week exceed 20 kreuzer, in the second class 30, and in the third class 40 kreuzer. For the reception of these supplies the prisoners are given a half hour on week days. Only in the designated place may the extras be received. Extras may not be obtained out of other than the work fund except where the prisoner is incapable of labor. Such persons may be granted a gratuity by the court for good behavior, but not more than working prisoners receive or their own interest requires.

§ 16. Each prisoner may from time to time, and, if he is in the first class, every two months, in the second class every six weeks, in the third class every month, send a letter and receive one from relatives or friends, but the letters must not contain anything objectionable. Under the same conditions of time he may receive visits.

§ 17. In furtherance of the humanitarian purposes of the institution there exists a fund for aiding prisoners. This fund is built up from these sources: From money and the sale of articles taken from prisoners as contraband; from money paid in to the institution under house rules; from gifts and legacies of former prisoners and others; from the interest of surplus funds earned by prisoners; from fines paid certain courts; from interest on funds reserved from grants for extras; from sale of articles declared to have no legal owner. This fund is kept at interest and the income applied as follows: (1) For the aid of released prisoners who are destitute and who give promise of industry; (2) to aid reformed and poor prisoners on first going out from the prison. The director and his conference decide who shall enjoy this fund, and accounts are kept by the office of the institution.

Rules of conduct for prisoners.—§ 18. Prisoners are required to yield to the officers of the establishment unconditional obedience and respect and to fulfill their orders without a sign of hesitation. It is permitted them, however, after they have obeyed, to offer complaints in a respectful manner, even to have a hearing with the chief director. Whenever a convict meets an officer he must take off his cap and regard the officer while he passes, unless hindered by the nature of his work. This ceremony is omitted with underofficers, on account of the frequency of contact, but a foreman must always be addressed with "Mr." (Herr). If an officer enters a cell during the day, or the dining room or dormitory, the convicts must rise. In workshops the work continues, unless there is an order.

§ 19. Military guards are to be treated with respect and not addressed by prisoners, unless there is danger.

§ 20. Prisoners must observe the directions of contractors and foremen in respect to occupations and to treat such persons with respect. Prisoners must also follow the directions of fellow-prisoners who have charge of rooms.

§ 21. Prisoners in isolation must not converse with fellow-prisoners, nor convey articles to them. Prisoners in common may converse with each other in workrooms and dormitories. At hours of worship or instruction they must not converse, and during work hours only so much as is demanded by the work itself. It is forbidden prisoners of different departments to communicate with each other by mouth or letter.

§ 22. Convicts are forbidden in their meeting with each other to indulge in disturbing noises, immoral speech, stories of former crimes, mocking, disputes, and rudeness. If a prisoner is injured he may not avenge himself, but must report to an officer. No prisoner may receive any gift, nor can he sell to or buy from other prisoners.

§ 23. A prisoner may communicate with persons outside only so far as permitted by the director. Secret communication is forbidden. Outsiders, even if officials, may not be spoken to without permission of the guard. In isolation a prisoner may not receive visits.

§ 24. It is the duty of a prisoner always to maintain a quiet and respectful demeanor. Shouting, singing, whistling, crying, blustering, climbing into windows, idleness during the day are strictly forbidden. Violent actions, riots, and assaults are punishable, and under certain conditions will be resisted with arms.

§ 25. Prisoners must not attempt flight nor promote the escape of others, and must report any known plans for escape.

§ 26. No prisoner may possess any articles aside from the uniform and others permitted by the chief director. Especially is the possession of money, knives, needles, iron utensils, matches, dice, cards, etc., strictly forbidden. Not less is it forbidden to take away from a dormitory or shop or school any article there belonging. Articles found must be reported to an officer and offered gifts must be refused and the giver referred to the chief director. When an officer seeks to carry out these rules he must have the aid of convicts. Articles improperly in the possession of prisoners will be taken from them and the proceeds of their sale devoted to the fund for aiding prisoners.

§ 27. Prisoners must observe cleanliness in respect to room, clothing, shoes, beds, utensils, tools, books, materials, etc., and must avoid injuring property. Each one is responsible for injury to articles intrusted to him.

§ 28. No less is each one bound to keep his body clean. In the morning each man must wash his face and hands and comb his hair and cleanse his mouth. Those whose work is dirty must wash hands and face several times during the day and put clothing and shoes in order.

§ 29. During the work hours all must labor industriously. Before the signal to quit one must not stop, even if his task is completed. One may not leave his post or room without permission. Lazy and negligent men get no reward and are liable to punishment. Fines for neglect are taken out of the fund to his credit. Free hours must be filled with reading or hearing reading or with other useful thing.

§ 30. Prisoners must be reverent in divine service. The order of the day tells how often services are to be attended. Evangelical (Protestant) and Jewish convicts are to have services at times arranged by the chief director.

§ 31. Each prisoner under 35 whose knowledge of elementary subjects is defective must attend school. Older prisoners are to attend school if they need it and are capable of profiting by it. Attention and industry are expected of each prisoner.

§ 32. When a prisoner leaves his room he must be properly clothed. In all moving from place to place a prisoner must walk rapidly and obey the order of an officer to halt instantly. Prisoners under the rule of isolation walk six steps apart, prisoners in common walk two and two, each pair three steps apart from the next pair. Only prisoners who walk together may converse. All must be still in marching. Going about in halls without order is forbidden.

§ 33. In presenting complaints or requests a prisoner must address a guard and request a hearing of the chief director. If a man feels that he is wronged by the director he may appeal to the monthly house commission, or may appeal to the punishment commission in case of assignment to isolation cell. The prisoners in isolation may lay complaints before the director or other officers when they visit the cell. Unfounded or false complaints are punishable.

§ 34. If a prisoner is sick he gives notice to a guard. If he conceals his illness or feigns illness he is punished.

§ 35. In urgent cases the prisoner in separate cell may ring for help, but needless use of the apparatus is punishable.

Order of the day.—*On work days.*—§ 36. During the warm season (April to September) the prisoners rise at 5 a. m., and during the cold season (October to March) at 6 a. m. Exceptional cases are decided by the director. After rising the men must wash face and hands, comb the hair, cleanse the mouth, brush clothes and shoes, arrange the bed and say the prayer, those in common being led by the "room father." Then each man receives bread ration, soup, and fresh drinking water.

§ 37. Work begins at 6 a. m. in warm season and at 7 in the cold season. Up to that hour prisoners in isolated cells must put cells and utensils in order. The entire forenoon is devoted to labor.

§ 38. *Worship and school.*—At 6 a. m. in warm season and at 7 in the winter there is a divine service, at which each Catholic prisoner must attend twice a week. On the feast days celebrating the birth and naming of the Emperor and Empress they must attend the special services. For non-Catholic prisoners the director arranges with pastors for services. Jewish services are held on their sacred days, in the German language and under supervision. School instruction is given between 8 a. m. and 12 m. and 2 to 4 p. m.

§ 39. Exercise outside is enjoyed, as weather permits, an hour either in forenoon or afternoon, but not between 11 a. m. and 2 p. m. in summer heat. Before eating grace is said, in common, the "room father" leading. After eating there is rest until 1 p. m., but lying on the bed is forbidden.

§ 41. At 1 p. m. work is taken up and is not interrupted except for exercise out doors or school or for eating extra luncheon a half hour. The luncheon is distributed at 4 p. m. and fresh water is supplied for drinking.

§ 42. At 6.30 on Saturday and half an hour earlier on other work days work ceases, the prisoners put their tools and materials in order and attend the orders of the guard. The prisoners are searched and taken back to dormitories. After evening prayers, which in common dormitories are led by the "room father," the prisoners take off shoes and outside clothing, place them in order and go to bed. At 8 p. m. in the cold season and at 8.30 in the warm season every convict must be in bed, and he must not rise until the time for rising, except in case of necessity. After retiring time silence must reign. Lights in dormitories are shut off and night lamps lighted. A bell gives the signal for rising and retiring, beginning and ceasing work.

Sundays and festival days.—§ 43. The rising hour is 6 a. m. Underclothing is changed each Sunday and bed linen once a month. At 7.30 the Catholic service is held. At 2 p. m. Christian instruction and benediction. At 10 a. m. instruction in useful studies is given, under directions of the chief director and in divisions according to language. The order for meals, exercise, and sleep are the same as for work days. Sundays are free from work and all festivals for Christian convicts, and Good Friday for evangelicals. Only necessary labor for the house or in field work is permitted. On days free from labor the convicts are to busy themselves with reading, school studies, drawing, letter writing, repair of clothing, and with work which is permitted by the director and does not disturb the quiet of the establishment. Letters are written by prisoners in common in the schoolroom. Jewish prisoners are not required to labor on their sacred days, but on Christian festival days may labor at noiseless work.

Disciplinary Punishments and Means of Security.

Escape of a convict.—§ 19. If a criminal should escape, for which the person is held responsible through whose fault or neglect the escape has been aided or made easier, notice must be given at once, after the escape has become known, to the royal lieutenant-governor of Lower Austria, the national commission, the district court, the royal head office of police in Vienna, and the nearest police station. To the last three must be given a description of the person escaped.

Exercise of the power of disciplinary punishment.—§ 20. The power of disciplinary punishment over the convicts is to be exercised by the director of the institution, and if he be hindered by an officer of the institution designated for the purpose according to the regulations of the laws existing at the time. The question in what manner and to what extent the power of disciplinary punishment over the superintending and guard staffs may be exercised by the director is regulated by the respective instructions of service.

[From the House Regulations of the Prison for Men at Marburg, 1889: § 44. If a prisoner commits a crime in prison he is treated under the Penal Code. For other offenses against the rules of discipline, or for complicity in attempts at escape, the following punishments may be used: (1) Reprimand alone or in the presence of other prisoners; (2) disagreeable work; (3) temporary deprivation of desired extras; (4) entire or partial fine taken from the personal credit for the prisoners' aid fund; (5) deprivation of soup at breakfast; (6) bread and water diet; (7) hard bed; (8) correction cell, isolation; (9) dark cell; (10) degradation to lower class; (11) chains up to three months. In connection with punishments (8) and (9) there may be added deprivation of extra food, privileges of sending or receiving letters and enjoying visits, and shortening of outdoor exercise to one-half hour. Prisoners who are dangerous and obstinate may be chained longer than is permitted under (11) to wall or floor, and the strait-jacket may be added if necessary. The director declares the punishment. Complaints may be made, but a complaint does not delay the punishment. The rules must be posted in all cells and rooms for prisoners to read.]

INDUSTRIES.[a]

Labor and inspection of labor.—§ 8. With respect to the bodily and other qualifications, the labor which convicts are obliged to do is selected either in the agricultural or manufacturing line. The inspection of the work done is intrusted to workmasters who belong to the staff of superintendence.

§ 9. The work done by the convicts is either carried on under the supervision of a manager or on state account. In case of the latter the national fund must furnish the necessary tools, apparatus, etc., as also the raw material.

§ 10. In harmony with the resolution formed by the honorable Diet, December 28, 1885, the national commission has given necessary orders with respect to the employment of the convicts with the purpose that nearly the whole amount of labor, of which the national institutions of Lower Austria stand in need, is furnished by this institution. Outside the institution the convicts may be employed in public work, as roadmaking, regulation of streams, and agricultural labor for farmers, landlords, etc. Only such convicts, however, may be employed in labor outside the institution as do not give occasion for suspicion and who have not made themselves unworthy of the favor of being employed outside by reason of their demeanor. In labor outside the institution convicts are allowed to be employed only in groups of no less than 10, each group being committed to the supervision of a guard. Each one of the convicts employed outside the institution must submit to a careful personal searching on leaving and entering the institution. If convicts are to be engaged outside the institution in a manner which makes it necessary to lodge them away from the prison, such a circumstance must be made known at the proper time to the royal political district authority. The director determines in what kind of labor each individual is to be engaged.

Amount of labor and time of labor for the convicts.—§ 11. On each convict is imposed a daily amount of labor, if the nature of the work permits. This amount of labor is determined by the director after a consultation with the workmaster. The standard according to which this determination is effected is the medium amouut of work done by a healthy, skillful workman. The amount of labor must extend to a degree which makes an exertion of the powers necessary. With respect to those employments that do not admit of determining a daily amount of labor, the convicts are classified with respect to the degree of their ability, and each individual is obliged to do as much as it is known one of his class is able to do with greatest diligence. For beginners in a certain occupation the amount of labor is not fixed during the time appointed by the director. Nevertheless their daily work performed, as also the skill and diligence exhibited, are adequately controlled. If the convict completes the amount of labor in less than the time set, he is not freed from labor, but he is rather obliged to continue working diligently during the whole time appointed for labor, even though he did accomplish already the determined amount. The time for work on working days during the season from October 15 until March 15 begins at 6 a. m. During the rest of the year the time for work begins at 5 a. m., and it lasts during the whole of the year until 7.30 p. m. Certain pauses, of course, fixed by the rules of the house, are here to be taken into consideration. An exception is made with those convicts who are engaged in occupations which necessarily require a different regulation with respect to time, as, for instance, those connected with the kitchen and the hospital, etc. For these the beginning and the end of the time of labor is determined by the director.

Labor books.—§ 12. For each convict a labor book is kept for a record of the work done.

Wages and gifts for labor.—§ 13. The convicts have no claim to reward. The profit of their labor is added to the treasury of the institution. For an incitement to their diligence, however, there is credited to them a gift for the labor done; if, having ended their apprenticeship, they have already earned by labor the whole amount of the daily fees of maintenance, which is to be determined every year beforehand by the national commission. The fee of maintenance consists in the amount paid daily per individual for board, clothing, bedding, and heat and light of work places and bedrooms. The amount of the present for labor is determined by the national commission at least half a year beforehand. The convicts, however, should not expect that during this period the arrangement will remain unaltered under all circumstances. These gifts for labor are transferred to the respective convict for a possession when he is dismissed from the institution. The manner in which it is done is this: The labor presents are directly sent to the home community of the respective convicts dismissed. The convict must go to his place of residence in order to receive his possession. The labor present intended to be given remains, however, a possession of the institution if the convict (*a*) dies in the institution, (*b*) escapes from the institution, and (*c*) in proportion as on his account the property of the institution is damaged.

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[a] See further illustrations under "Rules of conduct," above.

CARE OF HEALTH.

Physician.—§ 6. The sick convicts are committed to the care of a physician appointed by the national commission. It is his duty to assist in the conduct of sanitary regulations ordered by the police authorities.

Food, clothing, baths, lodging, and bedding.—§ 14. With reference to these, the rules of the house of the national institution of penal servitude of Lower Austria contain special provisions.

Heat and light.—§ 16. Throughout the winter the workshops are heated in daytime and the bedrooms in the evening; also, the further localities of the institution occupied for its service, as offices, watch rooms, etc., are heated. The courtyards, the bed and sick rooms, as also the watch rooms, the staircases, and the corridors, must be lighted during the night.

Treatment of sick convicts.—§ 17. Sick convicts must be brought to the infirmary of the institution and be treated by a physician. Those, however, who are sick with infectious diseases must be separated from the rest in such a way that spreading of the disease may be prevented. If the sickness of the convict be of such a light nature that it does not hinder him in the fulfillment of his duty, he may be employed, with the consent of the physician, in some one of the general workshops.

Burial.—§ 18. If a convict dies in the institution, the corpse, having been wrapped in a clean shroud, is to be transferred to the dead room and kept there for the time of forty-eight hours. Then the body shall be consecrated by the pastor of the institution or by the pastor of the respective confession, and thereupon the burial shall take place, in the most simple manner, at the graveyard of the place. The expenses connected with it are to be paid from the saved amount of the labor present (§ 13) of the deceased, and if this does not cover the expense the necessary addition is made from the national fund.

EDUCATION AND RELIGION.

Pastoral care.—§ 5. Divine services and religious exercises are led by different pastors, with respect to the different religious confessions represented among the convicts. They receive either a fixed salary from the national commission or are called on special occasions.

House committee.—§ 21. The house committee consists of a delegate of the royal lieutenant-governor of Lower Austria, who acts as chairman, a delegate of the national commission of Lower Austria, the director of the institution, and the physician and pastor of the institution. This committee meets at least once a month. It receives petitions and complaints of the convicts and decides on them, as also on the propositions brought before the committee by the director with regard to transferring of convicts in the classes. Propositions with respect to release of a convict must also be brought before the committee of the house by the director of the institution. Convicts whose demeanor gives reasonable hope for their amendment, who, however, do not yet seem to be fit for a definite dismissal, may be dismissed by the house committee under the condition of reserving the right to revoke the dismissal, or they may receive leave of absence for a certain place of labor, which is determined by the director of the institution. Such convicts, concerning whose behavior the direction of the institution must keep itself continually informed by means of taking proper care to look after them, may, in accordance with circumstances, at any time be called back to the institution by the direction of the institution and eventually be made to return by the board, of which the house committee must receive notice afterwards.

DISCHARGED PRISONERS.

Discharge of convicts.—§ 22. The definite dismissal of convicts shall take place as a rule only when they have been placed in the first class because of their good behavior. The national commission for the institutions of penal servitude and correction, which has ordered the delivery of the convict, may decide on the proposition of dismissal approved by the house committee.

§ 23. On the day of dismissal the convict is provided with the necessary clothing, either from his own provision or in case that this be useless, and the relatives of the convict can not be required to furnish it, at the expense of the national fund. On the same day is transferred to him through the community of his home his saved labor fund in accordance with § 13, alinea 5. With the definitive dismissal of a convict the national institution of penal service ceases to be the sphere of his activity.

Inside superintendence.—§ 24. As to what concerns the superintendence over the convicts, as also the maintenance of peace and order in the institution, the director, with the help of the superintendent and guard staffs, is supposed to make further help unnecessary by a distribution of service conformable to the purpose. In those rare cases in which the director, in accordance with his instruction of service, is either entitled or obliged to call for the service of the royal military, the expense is paid by the national fund.

STATUTE FOR THE LOWER AUSTRIAN STATE REFORM SCHOOL AT EGGENBURG.

General provisions.—§ 1. The object of the Lower Austrian State Reform School at Eggenburg is to provide religious and moral training for morally neglected children of both sexes, by furnishing, through the guardianship of a reputable family, the care, guidance, fitting instruction, and advice adapted to their capacities and serviceable in their future callings.

§ 2. The institution will receive: (*a*) Minors, guilty of a penal offense that according to the provisions of the Criminal Code is, solely by reason of the minority of the offender, not accounted as a crime, but, in accordance with §§ 2 lit. d. and 269–272 of the Criminal Code, is punishable as a transgression upon the decision of the court in favor of admissibility of the culprit into a reformatory institution. (§ 8, alinea 1, law of May 24, 1885. R–G–Bl. No. 89.) (*b*) Minors guilty of a misdemeanor or transgression, punishable according to § 273 of the Criminal Code, by the police court, who have been totally abandoned and for whom the means of obtaining an ordinary education are not to be found, and consequently their delivery into a reformatory institution by the police court is necessitated. (§ 8, alinea 2, law of May 24, 1885. R–G–Bl. No. 89.) (*c*) Furthermore, minors, who, pursuant to § 270, Criminal Code, have been sentenced to separate confinement, may, upon the order of the court, be received to serve out the term of punishment.

§ 3. When there is sufficient room there may also be received, in purview of § 16, alinea 2, law of May 24, 1885, R–G–Bl. No. 90, children of both sexes, from their sixth to the completion of their fourteenth year, upon application of their legal guardians, and subject to the approval of the guardian's court, for purposes of moral and religious training (§ 1), as pay wards, upon payment of full charges; or, with the consent of the respective Chambers of Deputies, at charge of the exchequer of their respective home provinces.

§ 4. In the cases prescribed ad. § 2 lit. *a*, a ward may be accepted only upon the finding of a state commission, existing under § 7, law May 24, 1885, R–G–Bl. No. 90. In cases provided for by § 3, however, the acceptance follows upon the finding of the political provincial government as construed by the ruling of the imperial ministry of the interior, September 20, 1892, and upon furnishing an indemnifying bond for the costs of detention. (Ruling of the Lower Austrian State Department, January 25, 1893. Z. 61964, *a* 4, L–A–Z–3995/93.)

Management and administration.—§ 5. The management of the Lower Austrian State Reform School devolves upon the Lower Austrian Chamber of Deputies. By this provision the police control of the General Government is not interfered with.

§ 6. As to the education, instruction, and household discipline of the boys, the school is under the immediate direction of a superintendent; as to the girls, under the direction of a matron, who shall be a member of a religious order. The appointment of the superintendent and matron is subject to confirmation by the Government. The economic control of both divisions of the institution lies exclusively in the hands of a state official directly subordinate to the Chamber of Deputies.

Training and instruction.—§ 7. The care of souls and bestowal of religious education for the Catholic wards is in charge of the house priest (curate). In regard to wards who are not members of the Roman Catholic faith, care for their religious culture will be had by an understanding with the respective educational committees of their several confessions.

§ 8. Wards of school age receive instruction corresponding to the requirements of the State law for common schools, as well as that adapted to the special needs of the institution. Wards who have passed their fourteenth year, and have achieved the graduating certificate of the common schools, receive, especially during winter evenings, review and postgraduate courses in agricultural and industrial directions. The training is in general to be so directed as to be subordinated to the special aims of the institution, and in the upper classes to produce that harmony with the physical occupations of the wards that will induce a fuller understanding and interest in the future thoroughness of the artisan. Regarding the acquisition of public-school graduation certificates for wards who complete their fourteenth year at the institution, care is taken that the certificates do not disclose the residence of the wards in the institution. Provision of the necessary supplies for instruction and of books for the school library follows after recommendation of the teachers, upon request of the superintendent or of the matron, out of the endowments granted for that purpose by the General Assembly. The Lower Austrian Chamber of Deputies appoints teachers for instructing the boys at the institution, in numbers provided by the General Assembly. The girls are instructed by teachers belonging to religious orders, under regulations in accordance with contracts entered into with the respective congregations.

§ 9. The wards are divided into families, due regard being had to age and social (moral) nature. For close supervision and continuous educational guidance of the wards, each family has a monitor; in case of the girls, such monitor is a nun. This classification, excepting during school hours, but inclusive of other occupations, is to be at all times preserved.

§ 10. The occupations of the wards are to serve the purposes and needs of the institution solely. The wards, especially those of school age, are as far as possibe to be employed in farming and other outdoor work, and always in a manner suitable to their age and capacities. The amount of time to be devoted to instruction in the trades and manual training is to be confined to the absolutely requisite times and seasons of bad weather. Determination as to the kinds and extent of newly introduced varieties of trades is left to the Chamber of Deputies, after report of the directors and the superintendent, or the matron.

§ 11. Disposition as to permissible vacations, and their use for furtherance of the bodily and moral training of the wards by means of systematically conducted games, military exercises, and walks, are to be provided for in the rules of the house.

§ 12. The rules of the house, which are to regulate the entire inner life of the institution, together with regulations as to the behavior of the wards, are to be determined by the Lower Austrian Chamber of Deputies in conjunction with the state department.

§ 13. Exact compliance with the rules of the house, on the part of the wards and of the servants, is, in reference to the institution for boys, to be supervised by the superintendent and the teachers; and in that behalf the latter are to conduct in rotation an inspection, concerning which, and the uses and obligations connected therewith, a special ordinance is to be framed.

§ 14. Rewards and penalties are to be announced and executed by the superintendent or the matron, and special records thereof are to be kept. The rewards of the wards are to consist of: (1) Public praise; (2) permission to take part in excursions; (3) conferring of certain offices of trust; (4) conferring of a single or a double mark of merit; (5) posting on the roll of honor; (6) gifts of tools, games, or books. Degrees of merit are to be displayed in some easily recognizable form on the garments of the wards. The posting on the roll of honor placed in the dining room is awarded only after at least six months of exemplary conduct, and is always accompanied by the presentation of one of the prizes noted under clauses 4 or 6, and takes place quarterly. In addition to the stated opportunities arising by reason of particularly praiseworthy actions of individual wards, special occasion for bestowing rewards is to be made of patriotic memorial days, such as the name and birthdays of the reigning Emperor. As punishments there may be used: (1) Reprimand (in private or before the entire household); (2) exclusion from the playground; (3) detention during recess; (4) withdrawal of office of trust; (5) loss of a mark of merit; (6) erasure of name from roll of honor; (7) fasting; (8) corporal punishment. The disciplinary punishment of fasting consists in the withdrawal of one article of food; subsequently of a meal, with the exception of the accompanying ration of bread. The punishment may be brought into requisition only once in fourteen days in the case of children under 10 years of age, or once a week in case of older wards. The discipline of corporal punishment consists in whipping on the seat with a rod.

§ 15. During the term of residence of a ward the parents or guardians must abstain from all interference with the education of said ward, and the Lower Austrian Chamber of Deputies shall, in relation to wards placed in the institution subject to § 16 of the law of May 24, 1885, R-G-Bl. No. 90, if no statutory provision is made as to the rights of the institution, obtain satisfactory and, if possible, judicial directions in that behalf. According to circumstances in special cases, the authorities of the institution may, in the sense of §§ 177 and 178, *a*, *b*, G-B, call for the aid of competent courts to declare the fathers of wards deprived of parental authority, and to appoint responsible guardians for said wards.

§ 16. During residence in the institution the wards receive, besides the necessary board and lodging, all necessary clothing, underwear, and footwear, as well as school supplies, tools, and other necessary appliances. The food supply for healthy wards is determined by the Lower Austrian Chamber of Deputies. The choice of food for sick wards is under the physician's order.

§17. The Lower Austrian Chamber of Deputies appoints a house physician to give medical aid to the wards, for examination, vaccination and revaccination of new arrivals, and for supervision of the institution in general. In accordance with the relief regulation (§ 23), necessary medicines are supplied from national funds.

Discharge.—§ 18. The wards (with exception of the cases provided for in § 2, alinea *c*) remain in the institution until the house committee pronounces them sufficiently trained and morally improved to enter them in a self-sustaining calling; consequently such wards as have entered the institution at such an advanced age that upon the completion of their fourteenth year, owing to the shortness of their term they do not yet appear to be improved, but whose early improvement seems probable within the legal age limit, may be retained beyond the specified age.

§ 19. The house committee consists of a delegate of the Lower Austrian department of state as chairman, a delegate from the Lower Austrian Chamber of Deputies, the superintendent, the matron, and the house physician. For those instances in which (in accordance with § 270, Criminal Law) minors are serving punishment in the institution, a member of the imperial circuit court of Eggenburg, nominated by the imperial department of justice, is to be added to the house committee. The house committee meets when required, but at least once in each month, to receive petitions or complaints of the wards and to decide thereon. Requests for discharge of wards are to be submitted to the house committee by the superintendent or matron respectively. Wards whose behavior affords well grounded hopes of improvement but who do not appear as yet qualified for final discharge, may be discharged subject to recall—that is, paroled, by the house committee. The same provisions (§ 20) are to be taken in their regard as in the case of the finally discharged. According to circumstances, such wards may be recalled at any time by the authorities of the institution upon a report properly filed to the house committee, and this recall may be enforced by intervention of the police power. The ratification of grants by the house committee of all requests for final discharge rests with the provincial commissioners of penitentiaries and reform institutions, they being the respective provincial authorities (in the case of 2, *b*, police authorities) who have authorized the sending of those wards to the Lower Austrian State Reform Institution.

§ 20. After their discharge from the institution, the wards will, with the consent of their guardians and the proper authorities, be placed by the superintendent or matron as apprentices or servants with such respectable manufacturers and employers as will declare their readiness to accept them, generally free of charge and with approval of the Chamber of Deputies; and for shorter periods upon compensation for clothing by the said chamber, and ultimately at the expense of the persons responsible for the wards. Wards ready for discharge, and for whom necessary means are not provided by relatives or charitable bodies, will be provided with clothing at time of discharge out of public funds (§ 23) and requisite documents for admission to service (workmen's or servants' books) through mediation of the school authorities. It shall be the duty of said authorities to institute appropriate inquiries as to the reliability of employers and masters, and to convey to them exact information as to the moral status of the wards to be consigned to them. In every case of apprenticeship or of binding out to service, a written contract shall be executed. The authorities of the institution shall, through the superintendent or matron or their assistants, continue to exercise an influence upon the wards so apprenticed or bound out to service by visiting the same, and shall continue to look after discharged and apprenticed wards until they have finished their apprenticeship—that is, until they have completed their eighteenth year. In case the behavior of such a ward is not as it should be, the authorities shall advise the Chamber of Deputies thereof, and refer the case for their further disposition.

Officials.—§ 21. The supervisor, the superintendent, and the teachers are Lower Austrian State officials and are subject to the regulations of the rules of the Official Code and of the pension rules for Lower Austrian State officials. The matron, female teachers, and house chaplain will be appointed annually by the Chamber of Deputies. The monitors and monitresses, the latter provided only they do not belong to a religious order, are eligible according to the rules provided in their behalf.

§ 22. The extent of the authority of the supervisors, superintendents, matrons, and teachers, as well as their duties, shall be regulated by rules formulated by the Lower Austrian Champer of Deputies.

Special regulations.—§ 23. The expenses of the care of such wards as are chargeable (under the law of May 24, 1885, R-G-Bl. No. 90) to Lower Austria, if they have any estate of their own, or if those who are chargeable with their nurture are pecuniarily responsible, are to be collected out of such resources. But in respect to all other wards (in accordance with law of May 24, 1885, R–G–Bl. No. 90) such expenses shall be defrayed by the Chamber of Deputies of the Crown lands, to whom such wards are respectively to be charged. The total or partial payment for the care of wards from Lower Austria who have been received upon petition from their legal guardians (§ 3) may in pressing cases be allowed by the Lower Austrian Chamber of Deputies. Regarding those judicially arrested (according to § 2, last alinea), the regulations applicable to prisoners will govern.

§ 24. All additions, supplies, and labor necessary for the Lower Austrian State Reform Institution which can not be provided by its inmates shall be procured upon public bids. The care of attendants and wards is to be left to the rules of the institution.

§ 25. The accounting for the past and estimates for the ensuing year shall be submitted annually to the State Assembly for examination and approval, as is done by other State institutions. All important circumstances and occurrences relating to the institution during the course of the year shall be passed upon at the annual assembly of the Chamber of Deputies.

§ 26. An accounting of the receipts and disbursements of the Lower Austrian State Reform Institution with the State treasury, and the supervision of its entire producing capacity by the State auditor of public accounts shall be conducted in like manner as with other Lower-Austrian State institutions.

§ 27. Amendments of the statute must receive the approval of the department of state.

HOUSE RULES (HAUSORDNUNG).

Aim of the reformatory.—§ 1. The Lower Austrian State Reformatory has for its aim the religious and moral training of such boys and girls as are intrusted to its care, by giving them parental care, training, and such instructions as are deemed suitable for their ability and which shall be beneficial in relation to their future welfare.

Admission.—§ 2. Each pupil at the time of admission must undergo bathing and cleaning of the body, and if found necessary have his hair cut according to the existing custom, and receive the proper clothing (uniform) from the institution. The placing of the pupil in a family can only take place after the customary medical examination. Valuable belongings of the newly admitted persons are put into the care of officials; private clothing and undergarments are distributed among needy persons who formerly belonged to the institution, but who are now in service of teaching, or such clothing is given to poor orphan children.

Placing of pupils in family.—§ 3. Pupils are placed in a family which is under the immediate care of an overseer. This is done according to age and fitness. A removal of a pupil into another family can take place at any time, according to his conduct, his age, and special qualification and tendencies in the line of his occupation, by permission of the house father or house mother.

Employment.—§ 4. Pupils are employed steadily in the family and if possible in the open air. The industrial instruction for each family is given according to the trade, of which its overseer is competent. An exception with such pupils can be made only when they are appointed by the house father or house mother to do some special work.

Instruction.—§ 5. Each pupil, regardless of age and family, is placed in the grade which his school knowledge permits, and there he receives such instructions as are in accord with the laws of the state public school, and at the same time meet the conditions of the institution. Boys who have passed the school age and who have acquired the papers of dismissal from the public school receive, in view of their future calling, such reviews and new instruction as are of an industrial and agricultural nature, most of which is done in the evenings of the winter season. (§ 8, alinea 2, of statute.) Practical exercise in fruit and bee culture are required of every pupil in the review class. No pupil can be denied participation in the instruction without the permission of the house father.

Worship.—§ 6. Pupils of Catholic faith, who are not hindered by sickness or occasional dispensations, must attend worship in the chapel of the institution on week days, family worship on Sundays and holidays, and on the birthday of the Emperor. Pupils of other than Catholic faith are to be employed during the time of the Catholic worship. In regard to the religious care for such pupils as do not belong to the Catholic faith, other arrangements are made according to need.

Time for study and work.—§ 7. This begins at the appointed time for rising on workdays, 6 a. m., and ends in winter semester (October to April) at 6 p. m.; in summer semester (April to October) at 7 p. m. To this an exception can be made for pupils who receive evening instruction, or who, according to other rules, perform work in stables, kitchen, etc. For such the house father appoints the beginning as well as the close of the working time.

Exercise in open air.—§ 8. Recreation hours are for the purpose of exercising the pupil in the open air, and they consist in walks, games, and military exercises under the direction of the house father. Games are not left for the free choice of the pupil, but are carefully selected in regard to age and season. Pleasure trips and walks into the immediate surroundings are to be taken on Sundays and holidays under favorable conditions of the weather. Special regard must be given to the weak and sick in the party.

Cleaning of the body.—§ 9. Each pupil must take at least one full bath a month and proper attention must be paid to hair. In summer frequent opportunity is given for outside bathing. A daily foot bath must be taken as long as pupils go barefooted. Clothing for the body is changed weekly; bedclothing monthly, except in special cases.

Meals.—§ 10. For board every healthy pupil receives: (*a*) Bread, 400 grams (rye bread); this quantum is divided into five portions—for breakfast, 10 o'clock luncheon, dinner, 3 o'clock luncheon, and supper; (*b*) for breakfast, daily, 0.50 liter hot soup, milk, or milk soup; (*c*) dinner, vegetable soup, about 0.50 liter milk or flour preparation; on Sundays, holidays, Thursdays, and birthday of Emperor are added to meal 0.50 liter meat soup and 0.50 liter vegetables for each pupil; (*d*) supper, vegetables, milk, milk soup or well-cooked meat soup (0.50 liter). Special exceptions are made in regard to age or bodily needs of pupils. Meals for sick persons are ordered by the physician.

Medical treatment.—§ 11. Soon after admission every pupil is vaccinated with animal virus. Sick persons are to be removed to the hospital, unless the sickness does not prevent them from doing work. Persons with acute diseases are put in separate rooms of the hospital. In order that general conditions of health be maintained, the pupil is put under a medical examination once a month.

Correspondence of the pupil.—§ 12. This can only be carried on under the supervision of the house father. All received as well as outgoing letters of the pupil are to be given to the house father for inspection, and nothing unnecessary or immoral must be found in them. The reception of food or money on part of the pupil is prohibited.

Visits.—§ 13. Pupils may be permitted, with the approval of authority, to receive visits from such relatives only as come to encourage and who themselves have a clear record of conduct. Such visits, which are to last only one-fourth of an hour and which can be repeated only after a considerable lapse of time, must only be made on Sundays and holidays, in presence of one of the officials, when the common language must be spoken.

The manner of conduct of the pupil.—§ 14. (*a*) *In relation to superior officers.*—Pupils are bound to give unconditioned obedience to their superiors and always meet them with respect. In the rooms they must greet them by rising from their seat; outside by repeating a suitable greeting formula. Boys must remove their caps. In the intercourse with the authorities, who are to do the duty of parents, they should be open and confidential.

§ 15. (*b*) *In respect to other pupils.*—In companionship with other pupils each one must refrain from making noise and from all violations of good behavior. All immoral talks, telling stories of passed punishable deeds, backbiting, stealing, are absolutely prohibited. It is the duty of every pupil to cultivate and display a friendly spirit toward the others. If anyone is hurt or grieved, he must not seek revenge, but report his grievance to the proper authority.

§ 16. (*c*) *In and outside of the institution.*—It is the duty of each pupil to maintain everywhere a quiet and polite manner. Any unnecessary noise, climbing windows, striking on doors, unnecessary running up and down of stairs and halls, are forbidden. No one is permitted to enter the room with covered head. All mature persons living in the houses of the institution are to be greeted in a becoming manner. With the outside world pupils can only come in contact by permission from the house father or house mother.

§ 17. (*d*) *In regard to escape.*—Every attempt and every encouragement to escape is severely punished. Every pupil is bound to report any preparation for such escape to his nearest authority.

§ 18. (*e*) *In regard to property.*—Outside of such things as belong to the institution given to the pupils for use, he may not be in possession of other articles except by permission. Things found are at once to be turned over to the authorities. Offered gifts are to be declined with thanks and the giver referred to authority. If such things be found in possession of any pupil, they are taken from him and he is punished. The carrying of anything belonging to the institution into another room is prohibited. Pupils are not permitted to exchange or donate any of their belongings. In case they violate this rule, both parties are to be punished. Borrowing of things can be allowed only by permission of the authorities.

§ 19. (*f*) *In regard to cleanliness of body.*—Pupils must keep their bodies clean. Daily, after rising, each must wash face, neck, arms, and comb his hair. Those who are engaged in unclean work must repeatedly, especially before any service, class, or meal, wash themselves and comb the hair.

§ 20. (*g*) *In regard to property of the institution.*—Rooms must be kept clean and in order. All clothing, books, instruments, tools, beds, etc., must be kept in good condition. Any misuse of any property must be refrained from. Every pupil must each morning put his clothing, shoes, and bed in good order. Intentional injury or misuse of property are severely punished.

§ 21. (*h*) *In regard to study and work time.*—During this time every pupil must diligently and with care work and study. Unnecessary talking, idle staring around during working time are prohibited. Only such speech as relates to work is permitted. Pupils may not leave their places of work or any room without permission. Visits to toilet closets are allowed singly only, and any congregating in them, as well as in hall and on stairs, is forbidden. Lazy pupils are punished by way of discipline, which is increased by diminishing their portion of food.

§ 22. (*i*) *During worship.*—Pupils must attend services with proper devotion and good conduct.

§ 23. (*k*) *In regard to petitions and grievances.*—For the granting of petitions every pupil must respectfully ask his authority, and after granting of it he must return thanks. If anyone wishes to bring any petition or grievance before the house father, he must first announce his intention to the nearest officer. Petitions and grievances can be brought before authorities only on Sunday at an hour appointed by the house father. Groundless complaints, or such as are made out of mere jealousy, as well as any false reports, are punished.

§ 24. (*l*) *In case of sickness.*—In case a pupil feels sick he must report that fact to his proper authority, and in an extreme case he is permitted to awake him at night from his room.

Order of the day.—§ 25. The signal to arise is given at 5 a. m. At that time all are required to arise from bed, to wash, comb, dress, and put bed in order. After that the morning devotion takes place, which consists in (for Catholic pupils) a morning prayer, the Lord's prayer, and a greeting. After this devotion, and the pupils have left their sleeping apartments, the soup is served, and then they proceed by families to church. Families which are not appointed to go to church complete the regular housework. Now begins the work in the fields and shops, and continues till 12 m. Dinner time from 12 m. to 12.30 p. m. Prayers are made before and after meal by every pupil. In connection with dinner the pupils are granted one hour recreation (according to § 8). During this time the medical inspection takes place. After that the work and studies begin anew, and continue till 7 p. m. in summer and 6 p. m. in winter. During the warm season of the year (except in cases of special work) the hour before supper is spent by boys in military exercise; by girls, in taking walks. After completion of work the tools are placed in order and then the evening meal is served, before and after which prayers are said. Soon after this the pupils are led to their sleeping apartments, when they must cease all noise and conversation, and after devotion must retire. The sleeping apartments are heated in winter, but the fire must be well nigh extinct by the time of retirement. On Sundays and holidays nothing but the necessary work must be done, and the time after worship in church may be used in exercising, games, reading, etc.

Rewards and penalties.—§ 26. Rewards for model conduct are: (1) Public reward; (2) permission to take part in outings; (3) trusts in important places; (4) granting of single and double distinction; (5) name upon honor board; (6) gifts of tools, books, games. Penalties: (1) Rebuke (private or public); (2) exclusion from playgrounds; (3) work during recreation pauses; (4) retirement from place of trust; (5) loss of distinction grade; (6) erasing of name from honor board; (7) fasting; (8) bodily punishments (§ 14 of statutes).

§ 27. This constitution is to be nailed upon the wall of every study, work, and sleeping room; it is to be read to every newly admitted pupil, and according to need read and explained on Sunday.

SWITZERLAND.

[References: The following documents have been used in the preparation of this article: État actuel du Système Pénal et Pénitentiaire en Suisse (1900). Rapport présenté au Congrès Pénitentiaire international de Bruxelles par J.-G. Schaffroth, Inspecteur des prisons et autres institutions pénales du Canton de Berne. (In Vol. IV of the Actes, p. 657 ff.) Verordnung betreffend die kantonale Strafanstalt Zurich, 1902. Reglement der kantonalen Strafanstalt Zurich (1876). Organisations-Gesetz für die Strafanstalt Lenzburg, 1868. Jahresbericht der Strafanstalt Lenzburg pro 1900.]

ORGANIZATION OF ADMINISTRATION.

Each of the federated cantons of Switzerland has a different prison system, with a tendency to unification under one penal code.

Institutions in the Canton of Zurich.—There are (1) the cantonal penitentiary; (2) district prisons, 11 in number; (3) a correctional establishment at Ringweil for boys between 12–20 years; (4) house of correction at Uitikon, chiefly for drunkards; (5) preventive or educational establishments (five in number).

Institutions in the Canton of Berne.—(1) The prison of Thorberg, for criminals and correctionals, chiefly recidivists, and other serious offenders; (2) the prison of Witzwil, for less serious offenders; (3) the establishment at St. Johannsen, largely for women; (4) at Hindelbank, workhouse for women; (5) the correctional institution of Trachaelwold; (6) 31 district prisons with 457 cells.

The Canton of Luzerne has (1) a penitentiary; (2) a house of correction; (3) 3 establishments of correctional education for youth, and (4) a central prison and 4 district prisons.

The Canton of Uri has a cantonal penitentiary, a prison, but no institution for young offenders.

The Canton of Schwytz has a penitentiary, 6 district prisons, but no reform schools.

The Canton of Unterwald has (1) in Obwald a penitentiary, a prison, but no reform schools; (2) in Nidwald, a penitentiary, prisons of detention.

The Canton of Glaris has no penal establishment but sends its convicts to Zurich and St. Gall, paying 1 franc per day for each. It has a prison for detention.

The Canton of Zug has a penitentiary but no district prisons nor reform schools.

The Canton of Fribourg has a penitentiary (Zuchthaus), a house of correction, a central prison, 6 district prisons, and a reform school.

The Canton of Soleure has a penitentiary, a workhouse, and 5 district prisons.

The Canton of Basle has (1) in Bâle-Ville a penitentiary, an intermediate prison, and a reform school; (2) in Bâle-Campagne a penitentiary, 3 establishments for neglected and abandoned children, and 4 district prisons.

The Canton of Schaffhouse has a penitentiary. Young offenders are sent to other cantons.

The Canton of Appenzell.—(1) Rhodes Extérieures: Sends convicts to other cantons; has a workhouse, intermediate prison, and an asylum for young offenders. (2) Rhodes Intérieures: Workhouse and intermediate prison.

The Canton of St. Gall.—Convict prison, prison of detention, 15 district prisons, 6 preventive institutions.

The Canton of the Grisons has a penitentiary, house of correction, preventive prison, jails, and an asylum.

The Canton of Argovie.—Penitentiary (Lenzbourg), reform school, 11 district prisons, 4 preventive institutions.

The Canton of Thurgovie.—Convict prison, a preventive prison, 14 district prisons, house of correction, and an agricultural colony.

The Canton of Tessin has a penitentiary, 6 district prisons, but no reform schools.

The Canton of Vaud has a penitentiary, 19 district prisons, 2 houses of correction, and 3 reform schools.

The Canton of Valais has a penitentiary and 8 district prisons.

The Canton of Neuchâtel has a penitentiary for men and one for women; house of correction, and 6 district prisons. Young offenders are boarded in other cantons.

The Canton of Geneva.—Two convict prisons. Reform schools are to be provided.

As a typical illustration of Swiss regulations are given

THE REGULATIONS OF THE PRISON OF THE CANTON OF ZURICH.

(Verordnung betreffend die kantonale Strafanstalt, 1902.) These regulations were ordered by the council of government December, 1897.

OFFICIAL ORGANIZATION.

Commission for supervision.—§ 1. The commission for supervision is composed of seven members. The first member is that member of the council of government to whose direction the prison affairs are committed; the other six members are chosen by the council of government. The secretary of prison affairs keeps the minutes.

§ 2. The officers of the prison have a voice in the meetings of the commission of supervision.

§ 3. The commission of supervision watches over the conduct of the institution and the entire business. In particular its duties are: (*a*) Visitation of the prison, at least twice in each month, by one member, and the visits are to be noted in the book of visitation; (*b*) inventory of supplies as often as necessary, and at least once a year; (*c*) permission of vacations of officers when they are longer than four weeks; (*d*) disciplinary measures with officers; (*e*) decision of the number of employees and their pay, their choice on the proposal of the director, and in important cases their punishment or discharge; (*f*) disciplinary measures against prisoners in certain cases (§ 5) and their delivery to the state's attorney for crimes committed in prison; (*g*) approval of petitions for conditional release or for mitigation of penalty on account of good behavior, and proposals for changes when execution is impossible; (*h*) the fixing of charges for prisoners out of other cantons or for those convicted in federal courts; (*i*) examination of annual reports, accounts, budgets of the officers of the prison, and making a report to the council of government.

§ 4. The commission for supervision is authorized, in case of such offenses as unimportant acts of disobedience and injury, rude speech, and attempts at escape, to employ against the convicts the following measures: Reduction to a lower prison class; confinement in a disciplinary cell, not over twenty days, with or without reducing food, or these penalties may be connected.

§ 5. It is the duty of the president of the commission for supervision (*a*) to communicate orders to the director in urgent or unimportant cases; (*b*) examination of funds and verification of supplies; (*c*) permission of vacations up to four weeks and arrangements for substitutes; (*d*) the ordering of disciplinary measures up to half the powers of the commission for supervision; (*e*) giving out of admission permits to inspect the institution or to visit the convicts outside the regular times.

§ 6. The commission for supervision divides itself into the following sections for purposes of supervision and preparation of business: (*a*) Order and security of the house; (*b*) industries and accounts; (*c*) dietary, kitchen, and sanitation; (*d*) church, school, and library.

§ 7. They may delegate their powers to the president.

OFFICERS OF THE INSTITUTION.

(1.) **Director.**—§ 8. The supreme direction and supervision of the prison is the duty of the director. He has the right, in case of necessity, to act directly on his own responsibility.

§ 9. He introduces officers and employees to their duties. He instructs each convict at his admission, decides upon his occupation, and seeks to influence the moral development of individual convicts by personal intercourse and strict oversight. He sees to it that the penalty decreed by law is executed, without respect of persons.

§ 10. The director is permitted to employ the following disciplinary measures: (*a*) With employees—reprimand, prohibition to go outside, fine up to 10 francs. More important offenses against discipline are to be referred to the commission of supervision or the president. (*b*) With convicts—reprimand, removal of special gratifications, reduction of ordinary diet, confinement in light or dark cell, with or without reduction of diet up to five days in the first class, and up to three days in the second class. He must report his orders in the daily reports.

§ 11. The director must give his entire time to the prison. In case of absence even for one day he is to give notice to the president of the commission, and for longer absence must secure his permission.

§ 12. A secretary is employed to assist the director.

§ 13. The ordinary substitute for the director is the administrator.

(2) **Administrator.**—§ 14. The administrator is the manager of the industry and real estate and responsible accountant and treasurer of the institution. He is immediately subordinate to the director, and must be in daily touch with him.

§ 15. He looks after the housekeeping, buys supplies, cares for storage, and keeps accounts of stock.

§ 16. All industries are under his direction. He supervises their management, and makes suggestions to the commission of supervision through the director. The interests of private industries must be protected as far as possible by the management of the prison business.

§ 17. He keeps with separate accounts the chief fund of the institution, the common aid and savings funds of individual convicts, and also the fine and aid funds of employees. * * *

§ 18. The administrator gives his entire time to the institution. If absent only one day he must give notice to the director, and for a longer time must secure permission of the president of the commission of supervision through the director. He must furnish security in the sum of 10,000 francs.

§ 19. The ordinary substitute for the administrator is his secretary.

(3) **Chaplain.**—§ 20. The chaplain is the pastor of the institution. He is to seek to further the religious and moral improvement of convicts by sermons on Sundays and by other pastoral care and instruction. He is librarian of the institution.

§ 21. He is to visit the institution daily. If absent only one day, he must give notice to the director, and for longer time secure permission of the commission of supervision through the director.

§ 22. The director may secure religious assistance for convicts who are not Protestant, according to their beliefs.

(4) **Physician.**—§ 23. The physician cares for all matters affecting health. He must visit the institution daily. If absent only one day, he must give notice to the director, and for longer time secure permission of the president of the commission of supervision through the director.

§ 24. The house surgeon is subordinate to the physician.

§ 25. The physician examines every convict on his admission, and records the result. At discharge there is an examination and record. In general, he gives medical care to prisoners and employees.

§ 26. With consent of the state's attorney the sick may be temporarily transferred to the cantonal hospital for consultation, for isolation in case of contagious diseases, or for operations. The insane may be sent to the Asylum of Burghölzli, and women about to be confined to the clinic for women.

(5) **Conference of officers.**—§ 27. The officers of the institution (director, administrator, chaplain, and physician) compose the conference of officers. The director is the chairman; the chaplain keeps the minutes.

§ 28. This conference is called together by the director as required at least every two months. On the request of an officer the director is to call a meeting.

§ 29. The duties of the conference are: (*a*) Consideration of important events in the institution; (*b*) consideration of proposals to be brought before the commission of supervision; (*c*) decision of matters referred to the conference by the commission of supervision; (*d*) order of marks of prisoners. The proposals go to the proper branch of the council of government or to the commission of supervision.

§ 30. The conference decides about aid to prisoners over 10 francs in amount; smaller sums are granted by the director. Aid to employees out of their fund is decided by the conference.

EMPLOYEES OF THE INSTITUTION.

(1) **General regulations.**—§ 31. The employees (office clerks, steward, overseers, baker, cook, laundress, house surgeon, electrician, locksmiths, firemen, stable keepers, gate keeper, watchman, guards, messengers, and porters), as well as teacher and organist, are appointed by the commission of supervision on nomination of the director. For the choice of the clerk of industries, assistants in administration, and of the office clerks in Zurich the director receives suggestions from the administrator. For special forms of work the administrator, with consent of the director, may employ persons for fourteen days. For a longer period the consent of the commission of supervision is necessary.

§ 32. An employee may be discharged upon receiving six weeks' notice.

§ 33. In case of serious breach of discipline an employee may be discharged forthwith by the commission of supervision; in urgent cases, by their president.

§ 34. Each employee is instructed at the beginning of his service by the director, and a copy of the regulations is given him.

§ 35. Each employee may be held to service if needed outside the regular hours and duties.

§ 36. As security against breach of contract or injury to property a week's wages of each employee will be held back.

§ 37. The employees in intercourse with the prisoners are to maintain an earnest but benevolent manner and to avoid all offensive actions. They are to require unconditional obedience and announce every irregular action to their superiors in office.

§ 38. The State furnishes to the employees their uniforms, which are to be worn while on duty. * * * After a certain period of wear this clothing belongs to the employee. He is responsible for avoidable injuries.

§ 39. Employees unmarried live in the prison, and the married, who have no residence, belonging to the service. * * * Rooms may be rented.

§ 40. Employees residing in the institution receive free lodging and washing. Those who occupy houses receive instead of food and washing a corresponding sum, and pay rent.

§ 41. All employees may have gratuitous medical care, and none can be excused from service on claim of illness without the approval of the house physician.

§ 42. The fund for aid of the employees is designed to provide medical help in sickness. They are permitted to offer their opinions in the matter. They may appoint two of their number annually to examine accounts.

§ 43. The fund is supplied from interest, fines, and contributions of the State and of private persons.

§ 44. Employees may be armed with pocket revolvers, but only inside the prison.

(2) **Office employees.**—§ 45. The director has a secretary. The administrator is assisted by the clerks of industries and administration.

§ 46. Each office employee furnishes security in the sum of 5,000 francs.

(3) **Steward.**—§ 47. The steward has under him the entire inside service. He supervises the arrangements for security and the daily routine.

§ 48. He watches over the condition of the buildings, good order, and cleanliness, and administers all matters of furniture and utensils.

§ 49. He is substitute of the director's secretary, and gives security in the sum of 1,000 francs.

(4) **Superior woman supervisor.**—§ 50. Has entire supervision of the women's department, kitchen, and laundry.

§ 51. She is directly responsible to the director, and reports to him whatever is necessary.

§ 52. She is to see that male employees enter her department only by consent of the director, and she must accompany them.

§ 53. She makes suggestions to the director in respect to the occupations of the women prisoners.

(5) **Supervisors (of men).**—§ 54. Have to keep watch over the male prisoners, hold them to industry, and report irregular conduct to the director. They also are foremen of industries.

(6) **House surgeon.**—§ 55. Is assistant to the physician. * * * He must have passed examinations showing his fitness to perform minor operations.

§ 56. In the women's department the under supervisors do the nursing, and must have had previous training.

(7) **Cook and laundress.**—§ 57. The (female) cook is over the kitchen, and directs the women prisoners who assist her, and is responsible for the supplies.

§ 58. The laundress directs the work of the laundry and the women prisoners who assist her.

§ 59. The cook and the laundress furnish security in the sum of 1,000 francs.

(8) **Under employees.**—§ 60, 61, 62. Employees for inner and outside services, and give security in the sum of 1,000 francs.

Service of security.—§ 63. Is in charge of the steward, with responsibility to the director, and (§ 64) has three parts—guarding the gates, inner watch, and outer watch.

§ 65. There are inner and outside gate keepers.

§ 66. Inside the watchmen and outside the soldiers keep guard.

§ 67. These employees during hours of service may not have other occupation.

§ 68. Weapons may not be used, save when all other means are exhausted, and warning must be given. Attacks on persons and attempts at escape may be prevented by use of arms. Human life may not be taken without necessity.

RECEPTION OF PRISONERS.

Purpose of the institution.—§ 70. To punish prisoners of various classes: Those condemned to a penitentiary (Zuchthaussträflinge), those sent to a workhouse, and, exceptionally, prisoners for minor offenses (Gefängnissesträflinge). They must be kept apart by classes.

§ 71. A warrant from the state attorney or other court authority is required to receive a prisoner.

RULES OF CONDUCT.

(These are not given separately, but in connection with sections on duties of officers and other regulations.)

DISCIPLINARY MEASURES.

Cellular and congregate.—§ 72. The forms of treatment are: (1) Cellular confinement; (2) two stages of common imprisonment by day, with cellular isolation at night. Only sick prisoners may be in congregate dormitories at night, on advice of physician.

§ 73. Prisoners in cellular confinement work, eat, and sleep in their cells, but may attend church and school together. They are visited regularly by the director, the chaplain, and the physician.

§ 74. The prisoners in congregate life work and exercise together, but may not talk with each other; but they sleep and rest in their cells alone.

Systematic treatment of prisoners.—§ 75. Prisoners who must serve at least one year are divided into three disciplinary classes, and each enters the first class.

§ 76. Advance to a higher class is conditioned on good behavior, and is recommended by the conference of officers to the commission of supervision. The director makes a statement, at least once in two months, upon the conduct, industry, and moral improvement of prisoners.

§ 77. The prisoners of the first class are kept in separate cells for three to six months. This period may be modified within these limits by the director, after consultation with the conference of officers, the conduct, and character of the prisoner being considered.

§ 78. The director, when advised by the physician, may, on sanitary grounds, shorten the period of separate confinement or do away with it entirely.

§ 79. When discipline and order require it on account of the vicious conduct and injurious influence of a prisoner, the commission for supervision may order separate confinement for longer than six months, even to the end of the sentence.

§ 80. Prisoners of the first class may receive visits, write letters, and take books from the library (beyond those which are required) only on permission of the director. Additions to food may be permitted by the director when the work is severe and the conduct is good.

§ 81. Prisoners of the second class are held in congregate confinement by day. Upon the request of a prisoner, and for good reasons, the commission for supervision may order separate confinement, even to the end of the sentence, the prisoner not being permitted to change his request before the expiration of two months. The convict must remain in this class at least six months.

§ 82. The following privileges are granted prisoners of the second class: Once in two months they may receive visits from friends and write to them, and requests for library books may be made.

§ 83. Convicts of the third class are in congregate confinement by day. Only under § 81, *e*, may the commission for supervision restrain them in cells.

§ 84. Prisoners of the third class (probation class) are granted the following privileges: They may be visited and correspond monthly; free selection and more frequent change of books; upon special permission of the director may make articles for themselves or friends, in freedom, and adorn their cells in suitable ways; may work for the institution and in the courts.

Treatment of life convicts and of those on short sentences.—§ 85. Life convicts pass through the three classes for fifteen years. * * *

§ 86. Prisoners on sentences less than one year pass one month at least, as a rule, in a separate cell.

Disciplinary punishments.—§ 96. Permissible are: Reprimand, withdrawal of privileges (especially of extra food), reduction of regular diet, simple confinement in a cell with or without reduction of food, dark cell without reduction of diet, dark cell with reduction of diet (intensified arrest).

§ 97. With "intensified arrest" serious breaches of discipline are punished, and, in particular: (*a*) Attempts at escape and flight; (*b*) resistance to officers and employees; (*c*) willful injury to the institution, to tools, or materials of labor; (*d*) incentives given to fellow-prisoners to attempt escape or to resist officers or do injuries; (*e*) assaults on fellow-prisoners; (*f*) repeated lying and simulation of sickness; (*g*) prohibited intercourse with fellow-prisoners or with outside persons.

§ 98. Before the cell punishment of five days with reduction of diet can be repeated the physician must examine the prisoner and give approval. Between periods of five days of this punishment there must intervene one day of ordinary imprisonment.

§ 99. Disciplinary offenses in the first class are punished by: (*a*) Reprimand; (*b*) withdrawal of privileges (§ 80); (*c*) reduction of diet; (*d*) cell, or dark cell, with or without reduction of diet.

§ 100. Disciplinary offenses in the second class are punished by: (*a*) Reprimand; (*b*) partial or entire withdrawal of privileges (§ 82); (*c*) withdrawal of extra food; (*d*) reduction of customary diet; (*e*) cell or dark cell; (*f*) reduction to the first class for undefined period.

§ 101. Disciplinary punishments in the highest class are: (*a*) Reprimand; (*b*) withdrawal of privileges (§ 84); (*c*) withdrawal of extra food; (*d*) reduction of ordinary diet; (*e*) reduction to second class, and under some circumstances cellular confinement for a fixed time.

(Compare, under "Organization of administration," the powers and duties of the commission of supervision and of the director, §§ 4, 10.)

ORGANIZATION OF INDUSTRY.

§ 87. To each convict who works with industry and good behavior a wage share may be credited. The amount of this share, in case the convict earns at least six-tenths of his food, may be: In Class I, 5 per cent of what is earned; in Class II, 6 to 10 per cent; in Class III, 11 to 12 per cent. If the convict has brought upon himself a cell punishment, his share is reduced in the quarter as many per cents as he has days of punishment.

§ 88. This share is credited to the savings account of the convict, and the state of his account is shown him at the end of each quarter.

§ 89. At the end of the year a proper interest on the fund is credited to the prisoner if the sum is 10 francs.

§ 90. This savings fund of a convict can not be taken by any other person nor attached.

§ 91. The director may permit the convict to order proper payments for clothing, tools, books, and support for his needy family, etc.

§ 92. When he is finally or conditionally released his savings may be given him—all or part—or paid to the proper board or society for aiding prisoners, as the director sees to be best.

§ 93. If the convict dies before discharge his fund is credited to the common savings fund. The commission for supervision may order payment of it to needy relatives.

§ 94. The common savings fund is used to assist sick prisoners at discharge.

§ 95. Into this common fund fall: (*a*) The share credited before discharge to deceased convicts (§ 93); (*b*) the proceeds of confiscated articles; (*c*) the surplus of interest of the savings above that credited to convicts.

CARE OF HEALTH.

(Compare, under "Organization of administration," duties of the physician, §§ 23–26.)

EDUCATION.

(Compare the duties of the chaplain, under "Organization of administration" above, §§ 20–22.)

DISCHARGED PRISONERS.

REGULATIONS RELATING TO CONDITIONAL RELEASE AND MODIFICATIONS OF PENALTY FOR GOOD CONDUCT.

[The careful method of guarding this provision is especially worthy of study in America.—C. R. H.]

§ 102. When a convict who has been condemned to a limited term has passed through the three classes in a satisfactory manner, and can show that he has employment or means of living, he may hand to the commission for supervision, by the director, a petition for probationary release (probeweise Entlassung). The conference of officers sends with this a full report on the character and conduct of the convict. If the commission for supervision finds that improvement of the convict has been secured and that the other conditions of release have been met, then it sends a report and application to the department of justice (Justizdirektion), which renders a decision. If the prisioner is unable to procure employment or support then the director places himself in communication with the central committee of the society for aiding prisoners (Schutzaussichtsverein) in order to obtain employment and support for the prisoner.

§ 103. The conditionally released man receives a certificate which is given out by the department of justice and police. * * * He is required to present himself monthly, on a specified day, before a communal official at his place of residence and give evidence of good conduct. This must be indorsed on the certificate, which the man must keep with him.

§ 104. The released person must give notice to the communal official of any change in residence. If he wishes to go outside the canton he must secure permission of the police authorities.

§ 105. The police supervision must be exercised in such a way as to avoid making it more difficult for the person to secure employment.

§ 106. The person so released will be kept under control by the police.

§ 107. If the person violate the terms of his parole the communal official will warn him.

§ 108. If the warning is fruitless the released man may, upon a proposal of the State's attorney, be recalled to serve the remainder of his sentence. The same result follows if: (*a*) he wanders about without working, or if there is good ground for believing that he does not secure his living in an honorable way; (*b*) if he associates with improper persons and refuses to heed advice to break off connections with them; (*c*) if he otherwise is reckless and refuses to heed advice.

§ 109. Aliens, after serving two-thirds of their term, at least one year, if they have improved, may send to the court by the director a petition for a modification of their sentence (§ 16 of the Penal Code). The commission for supervision approves the petition after hearing the conference of officers.

HOLLAND.

REGULATIONS OF THE PENAL SYSTEM OF HOLLAND.

[Sources: Reports of M. Pols and M. Van Der Aa, in Actes du Congrès Pénitentiaire International, 1890, Vol. V, p. 592; and 1900, Vol. IV, p. 621.]

ORGANIZATION AND ADMINISTRATION.

The outlines of the present system of penal institutions was fixed by the Penal Code of 1886. There are two classes of offenses—crimes and contraventions. The Penal Code recognizes three grades of punishment involving deprivation of liberty: Imprisonment, detention, and confinement in a workhouse. The workhouse penalty is an accessory penalty, used to supplement fines and detention, and is applied to drunkards, beggars, and vagabonds. Detention is applied to minor offenses and to misdemeanors not intentional, imprisonment to serious crimes, and fines are used in connection with misdemeanors and minor offenses. If a fine is not paid, detention is substituted for it. Imprisonment may be for life, or for a period not exceeding fifteen years. For recidivism and certain other serious aggravating facts the term of imprisonment may be extended one-third.

The detention of vagabonds and drunkards in workhouses is from three months to three years, and the term is served in common (congregate method). Prisoners under detention also serve in common, but may request isolation. Such requests are rare. In 1898 there were only 68 out of 7,000 convicted. Imprisonment for five years or less is served entirely in a separate cell, and only the first five years of longer terms. At the request of a convict he may serve all or part of his sentence, after five years, in a cell, but in 1898 only 5 out of 1,181 made such request. From the cellular treatment are excluded those who are declared by medical men physically unfit for it, and also youths under 14 and old persons over 60. Prisoners who spend the day in common are in separate cells at night.

General administration.—By royal order of 1886 a set of regulations for penal establishments was published. All penitentiary establishments, including the houses of correctional education, depend directly upon the Government. The minister of justice is the supreme authority, and responsible to him is the inspector-general and a referendary. The inspector-general is in general charge, and also attends to legislation, organization of the service, and representation of the Government, while the referendary has charge of the administration directly, and especially of accounts. There are two assistants in the work of inspection.

At each place where there is a prison or several prisons there is an administrative commission placed in authority over the direction of the institution. These commissions are composed of from 3 to 15 members, according to the importance of the establishment and local circumstances. The members are notable persons of the locality, nominated by the ministry of justice and appointed by the Crown. They have no salary, except the secretary, although they are allowed a certain indemnity. The magistrates are represented. In addition to duties on this commission, magistrates are required by the Code of Criminal Instructions to visit the penal establishments from time to time, examine the lists of prisoners, and see that none are confined illegally.

Under the chief inspector of penal administration there is placed an officer who administers the industries of the establishment, subject to the ministry.

A commission of aid and counsel for the industrial affairs of the prisons is appointed by the ministry of justice. It is composed of seven members, representing commerce, industry, and labor. Service is unpaid. It hears complaints in respect to injury done to free labor by prison labor and gives counsel in respect to prison industries.

The corps of officers in penal establishments.—The corps of house officials is divided into classes and ranks whose names indicate their duties:

(1) The direction, comprehending directors, deputy directors, in three ranks, and jailers; (2) administration, including bookkeepers, accountants, storekeepers (two ranks), recorders, and clerks; (3) guards, in ranks; (4) industry, including foremen and their assistants; (5) housekeeping service, including machinists, cooks, etc.; (6) instruction, including teachers (two ranks). On account of their special functions the religious officers and physicians do not belong in the hierarchy of the service.

There is no difference of rank and salary among employees of the same title and rank in various establishments. The higher ranks are found only in the more important establishments, and the small establishments do not require officers of all classes. The salaries of chiefs are divided into seven classes according to the size of the prison. Chiefs of the first four classes bear the title of director; those of the lower three classes are called jailers. Women chiefs are called directresses.

The chiefs are appointed by the Crown on the nomination of the ministry of justice; the other officers by the ministry, after hearing the administrative commission. There is no fixed term of office. It is thought that 60 years for guards and 65 years for other officers should be the proper age for retiring from service. Legally, guards are required to retire at 65 years of age and others at 70 at the latest.

All officers have right to a pension when they retire, either on account of age or infirmity. The rate is two-thirds of salary for those who have been injured in the service, and for others it is reckoned according to the years of service. Ordinarily, one must serve ten years before he gains right to pension.

Political influences have nothing to do with appointments or promotions. The superior administration acts upon the rule that those who enter the penitentiary service must begin at the lower posts and advance by promotion. Candidates submit to a medical examination and to a probation of at least one year. Advancement is gained by proofs of capacity and aptitude, account being taken of seniority in service. Salaries rise with rank and term of service.

There are no special schools to prepare officers. Professional education and training is secured by following the instructions of the director, who is charged with the duty of caring for the education of officers. There is doubt in many minds whether this method is adequate. Guards are trained during the winter in some of the larger prisons.

RECEPTION OF PRISONERS.

RULES OF CONDUCT.

[On these two topics the materials do not give separate information, but some facts are found under the head of "Organization and administration," and subsequent headings.]

Disciplinary Measures.

The disciplinary régime in prisons and workhouses of the State have no system of rewards in the proper sense, although rewards are not entirely wanting. Discipline is maintained for the most part by means of punishments, when good counsels have not produced their effect. The scale of punishments authorized by the law of 1886 is as follows: (1) Deprivation of work, exercise outdoors, reading, visits, correspondence, canteen, etc. (the deprivation of exercise may not be continued longer than one week); (2) bread and water diet, not longer than four weeks at once; if it is used more than two days the ordinary diet must alternate; (3) confinement in a cell, six months at most; (4) punishment cell, four weeks at most; (5) placing in irons, four weeks at most; (6) dark cell, forty-eight hours at the highest.

Several of these punishments may be inflicted simultaneously. The second is often added to the last four. In the workhouse of Veenhuizen it is a punishment to be transferred to the establishment at Hoorn. In the special prison at Leeuwarden, set apart for convicts under sentence for more than five years, corporal punishment with a rod may be employed. Thus far this penalty has not been used, and it is contrary to the spirit of our penal administration.

The division into classes of congregate prisoners is a disciplinary measure, since one of the three classes is reserved for prisoners whose conduct is habitually bad and for those who commit grave offenses. The second class is composed of those who have before served terms of more than one year. The third class includes those who do not belong to the second class and have not been placed in the first.

Each of the three establishments at Veenhuizen has its council of discipline, composed of the director as chairman and of certain officers, who sit once or twice a week to consider offenses and pass judgment. In the other establishments the punishments are assigned by the chief of the establishment, with the concurrence of the president of the administrative commission, with the exception of grave punishments, which are inflicted by the commission itself. In this connection we consider only infractions of regulations and general discipline; acts punishable under the penal code are presented by the director to the proper judicial authorities for prosecution.

There are certain unofficial rewards which the officers can use to encourage good conduct. Thus the appointment to domestic service is desired, because it is a more agreeable occupation and has higher rewards. The reduction of the term of sentence is an official reward. It is granted by the Crown on the proposal of the ministry of justice. The lists of candidates may not exceed the tenth of the population in one year, nor include convicts on sentences less than two years. A reduction of three months is considered enough for a reward of good conduct and application to work during one year, and this reduction may count on each year of the individual term. Although they have another character and purpose, the act of grace and conditional release, which are based on conduct in the prison, are often considered by convicts as a reward, and produce the same effects. Grace is accorded by the Crown on advice of the ministry of justice, the ministry securing the advice of the tribunal which pronounced the sentence and of the administrative commission of the prison where the convicts are confined. Conditional liberation is pronounced by the ministry of justice, and may be granted only to those who have served three-quarters of their term, at least three years, and who, on going out, are able to support themselves.

Organization of Industry.

The penitentiary system of the Netherlands knows nothing of penal labor, and recognizes only useful work. The convicts are required to work. Labor is imposed on them. Prisoners in "detention" may choose the form of work, if it is not inconsistent with the order of the prison. Rarely does a prisoner avail himself of the choice. Hand work is remunerated at a rate fixed by the central administration for each industry and for domestic service. In the prisons the normal rate is 15 cents (0.30 franc), or 6 cents United States money, per day. It rises to 20 cents in some industries, and even to 25 cents in exceptional cases of efficiency. In the workhouses the rates are lower. In the branches conducted under contracts the contractor pays higher rates, the surplus going to the State. Part of the hand work is leased to contractors and part is employed on State account, and the products used for institutions of the State. The system preferred is State account. This system avoids conflict of the interests of the contractors with those of the prison discipline; it removes external factors from discipline; it makes possible a rational penological plan of stimulating the prisoners to think of labor as their advantage and duty, and it increases the chance of imparting professional instruction. It also reduces the injury to free labor. Evidently the hand work of prisoners diminishes the sum of work in particular industries, but the evil does not lie there, for the prisoners if free would do the same work on their own account. It is the advantage of the system of State account that it does not throw its products on the general market and lower the prices of articles nor the wages of workmen.

It is not possible to compare the gross expenses with the product of labor, because the data are not exact. But it is reasonable to think that the income is not sufficient to pay the total expenses of the establishments, nor even for the maintenance of the prisoners. The chief point to consider is the relation of the labor to the punishment, although the financial side is worthy of serious consideration at every point.

CARE OF HEALTH.

Sanitary conditions.—Outside the houses of arrest the prisoners are under the care of a physician. The houses of arrest, being used merely for short sentences of a few days, have no physicians. If necessity arises a local physician is called in. Physicians may also have outside practice. Military surgeons, either in active service or retired, are given the preference. The general inspectors of asylums for the insane are required occasionally to visit the prisons. In the large establishments there are infirmaries and head nurses; in the small prisons cells or rooms are set apart for the sick. Where the disease is serious or contagious the prisoner may be removed to a hospital for treatment at cost of the state. In case of insanity the prisoner is removed to a state asylum. This transfer does not imply suspension of the sentence; the person is supposed still to be serving his term.

The diet of the sick is prescribed by the physician, according to the case, and the physician enjoys discretionary powers.

The dietary of sound men is: In the morning, 400 grams of rye bread, 60 grams milk, 240 grams hot water; at noon, twice a week, a soup (400 grams green peas, 25 grams fat, 40 grams vegetables); twice a week, a portion (1,250 grams potatoes, 250 grams vegetables, 25 grams fat); once a week, bouillon (700 grams beef, 15 grams fat, 160 grams gruel, 50 grams vegetables); once a week, beans and lard (450 grams beans, 30 grams lard); once a week, gruel (300 grams gruel, 35 grams fat); in the evening, 250 grams rye bread, 5 grams coffee, 1 gram chicory, with 50 grams milk to 200 grams hot water. On the advice of a physician wheat may be substituted for rye bread. Prisoners in detention and imprisonment are on bread and water diet at the beginning of their confinement for two days.

Supplementary food is permitted: Rye bread, wheat bread, butter, margarine, coffee, salt. The cantine supplies to prisoners on terms over a year and at heavy work, additional articles, as eggs, salt herring, cheese, milk. Smoking tobacco and snuff may be bought by prisoners from the cantine at Leeuwarden, if they have already served five years; and also in the workhouse at Hoorn and Veenhuizen. But tobacco may not be used in halls. Articles are sold three times a week, and payments are made out of funds to the credit of prisoners. In the establishments of correctional education there is no cantine.

The structure and management of the prisons have as much regard as possible to hygienic conditions. Ventilation is through windows and ducts, but there is no forced ventilation. One difficulty is to avoid communication between prisoners through ventilating ducts. This problem is not yet solved.

Especial attention is given to cleanliness. Prisoners must clean their cells. Prisoners admitted to the house service clean corridors and halls. Clothing is cleaned and disinfected when necessary. Convicts on terms of more than three months must wear the uniform, and others, if not provided with their own clothing, are given the same uniform. Underclothing and bedding are changed as required. At the time of admission each prisoner takes a bath. Afterwards he takes a footbath once in two weeks and a complete bath once a month.

For some years there has been no epidemic in the prisons. The most frequent diseases are those of the respiratory and digestive organs, and those due to the immoral lives of men previous to imprisonment.

EDUCATION.

The direct means employed for influencing conduct and character are religion, instruction, and visits. The cell is far better for the working of such agencies than common life. The effort to improve men is concentrated on prisoners in cells and on relatively long terms. It goes without saying that short terms offer few opportunities for ameliorating labors, and that the best one can do for men in congregate life is to prevent as much as possible their corrupting each other.

With the exception of houses of arrest in the large places, which are for short terms, a Protestant pastor, a Catholic priest, and a Jewish rabbi are appointed from the neighborhood for religious services. The workhouses at Veenhuizen have two Protestant ministers and one Catholic priest, who have no outside duties. On Sundays and holidays there is public service for the Protestants and mass for the Catholics, if there are prisoners of this faith. In the workhouse at Hoorn there is a service for the Jews each week and on sacred days; but in other establishments there are too few of this faith for a service. Attendance is required of all prisoners, unless they are excused or forbidden by the administrative authorities. Ministers of each faith are required to visit the prisoners. These visits are designed not only to carry religious consolation, but also moral influence.

At the same time the literary instruction aims not only to increase the knowledge, but also to develop the moral sense of convicts. In the hands of a teacher who regards his task in this light the instruction becomes an instrument of reform of high value.

Members of the administrative commissions visit the prisoners in turn and from time to time. In the large prisons the director is required to visit a number of prisoners each day, and he may call his deputy to assist him. In small establishments the director is to visit all prisoners every day. In addition, the prisoners are visited by the guards and foremen of the industries. In workhouses the chief comes into contact with the prisoners by visits and by calling individuals to his office.

Prisoners are permitted to receive visits from members of their families twice a month and to send and receive letters. The aim is to conserve the social bonds. Where there is a patronage society its members are permitted to visit prisoners in their cells and work for their moral improvement. Generally these visits are appreciated.

In the large prisons and workhouses instruction is imparted by teachers, the number varying from one to four, according to the size of the population. These teachers form part of the corps of officers. In small local prisons instruction is given by teachers of the town called in for the purpose. Generally there are no teachers for the houses of arrest. All illiterate prisoners under sentence for more than three months and under 40 years of age receive instruction under requirement of law. Those who have elementary education or have passed 40 years of age receive instruction only upon their request. The required instruction is essentially the same as that in the public schools—reading, writing, and arithmetic. Other matters may be added. The superior administration may authorize instruction in manual and trade training as well as in drawing and modern languages. In cellular prisons the convicts are taught in their cells, while in the congregate prisons and workhouses they are taught in a schoolroom. Each establishment has a library for the use of all prisoners and special books for persons of different confessions. The teacher has charge of the library and the distribution of books, which occurs once a week. Reading is permitted on Sundays and holidays, and on other days at times not occupied by domestic or other work.

Correctional schools for juvenile delinquents.—These establishments belong to the educational system of the state. They are designed for children under 16 years of age who have been guilty of criminal acts, and the maximum age is 18. There are four establishments of this kind, one of these for girls. They all form part of the administration of prisons. The general prison regulations apply to them, except where special rules are needed for youth. They aim at moral reform and preparation for practical life. Instruction and technical training are carefully organized.

DISCHARGED PRISONERS.

The Society of the Netherlands for the Moral Amelioration of Prisoners is devoted to the care of released convicts. It was established in 1823. In the course of its existence it has exerted a great influence on the development of the prison system. It has given special attention to instruction and religious help, and that at a time when these matters were regarded by the Government as mere accessories and were not treated in a manner worthy of their importance. They have rendered valuable aid to young offenders. It has several local branches, all under a central bureau, so that it is made up of a federation of societies, all working under one regulation for a common purpose, and directed from a central office. The statutes of the society express its purpose—in the prisons to uplift the prisoners, and outside to aid those discharged, and especially to protect the young offenders. There are cooperating societies for helping children exposed to moral perils. The Salvation Army also renders aid. A Society for the Christian Treatment of Mendicants and Vagabonds is active in furnishing asylum and industrial training to persons of the class indicated in the title.

DENMARK.

[Sources: Organization of Prisons in Denmark, by Mr. Karl Goos, secretary of the director-general of prisons in Denmark; Actes du Congrés Pénitentiaire International, 1900, p. 377. *Ibid.*, 1895.]

GENERAL ORGANIZATION.

The prisons are placed under the supervision of the minister of justice as the superior authority. The immediate general administration of prisons is in the hands of the director-general of prisons residing at Copenhagen. With responsibility to the ministry of justice, he supervises and directs the penitentiary system of the country. The state prisons are directly under the director-general. The houses of detention and the workhouses are, on the contrary, communal institutions. Communal authorities decide all questions of labor and finance, although the director-general must see that the law relating to such institutions (the law of 1846) is carried out. The recent acts of legislature increase the strictness of state control over these local establishments. In consequence, the buildings have been improved and the organization made to conform to modern ideas. Workhouses have also been rebuilt and their methods reformed.

At the head of each of the three penitentiaries of the state there are placed a director and a pastor, both named by the King. Other officers are bookkeeper, cashier, and manager of work, deputy director, physician, two teachers, one teacher for women, two or three clerks, and a chief of guards. All these officers are nominated by the director-general of prisons, and all officers hold place until they are transferred to another, or until they retire for old age or other reason. Inferior officers and employees are also provided as necessary. They are nominated by the director, and may be dismissed on fifteen days' notice. Political considerations do not influence appointments of officers and employees.

As a condition for being appointed director one must not only have the higher education, but also special knowledge of prison affairs. The pastor must have the qualities required of all pastors of the Danish national church. In the appointment of the deputy director it is considered that he must be competent to perform the duties of the director in his absence. Other officers are not examined, but their previous education and positions determine the case. Bookkeepers are chosen from among the clerks who have in their positions come to know the administration of accounts and records. Clerks must have such previous education that they will be able to supply the place of the bookkeeper. Chief guards are selected from among subordinate officers and artisans who have suitable training. In the prison for women most of the officers are women of the middle class who have passed an examination to prove that they have suitable education.

The director has immediate responsibility for the administration of the prison and the execution of the penalty. He is over all officers and may inflict upon them disciplinary punishments. The pastor conducts worship and is responsible for the religious care of prisoners. His parish includes not only the prisoners but the officials. He has charge of the library and, with the director, selects the books. The physician gives attention to the sick and has charge of sanitary arrangements of the establishment. Physicians with a knowledge of mental diseases are preferred for the position. The bookkeeper and cashier are responsible for the funds and accounts. The bookkeeper is also in charge of the industries, and the cashier directs the household affairs and cares for the furniture. The deputy director assists the director in the administration of the penitentiary and acts as representative of the director in his absence. The clerks assist the superior officers. The teachers, who must have the qualifications of primary-school teachers, direct instruction of inmates and assist at worship as organists and singers of the church. The chief of guards and his subordinates have charge of order; they also assist in directing work. There is no special school for the training of officers, such schools not being thought necessary.

RECEPTION OF PRISONERS.

Penalties depriving convicts of liberty are served under the Penal Code of Denmark at hard labor in penitentiaries or in imprisonment. The former includes convict prisons and cells of correction. Also one finds compulsory labor in a workhouse. Hard-labor sentences are served in penitentiaries or cells of correction. In the former the prisoners are in common life, but the cells of correction usually provide for separation. Persons condemned to hard labor in a house of correction are not treated in common unless the state of their physical and mental health or other considerations render the cellular treatment inadvisable. The duration of hard labor extends from two to sixteen years (exceptionally twenty-four years), or for life if in a house of hard labor; in a house of correction the term is from eight months to six years. If the latter term is served in a cell, the law provides for a reduction of the time. With the exception of the state prison, which is reserved for special crimes, the penalties of imprisonment deprive of liberty for a short period without obligation to labor; and the term is from two days to two years (exceptionally three years), rarely over six months; and some of these penalties imply a reduction of diet—that is, ordinary prison food, or even bread and water diet. Hard labor is also inflicted in a workhouse up to six months. As the name indicates there is a requirement of labor; this is for mendicants, vagabonds, and vicious women.

Prisoners at hard labor are under the rule of the progressive system. According to the royal ordinance of 1873 hard labor has three stages: the preparatory stage, the coercive stage, and the intermediary stage, to which may be added a fourth stage, that of conditional liberation, during which the prisoner is out of the establishment, but under police control. If he does not conform to the rules, he is brought back to prison without a new trial. There are detailed rules for the various stages in the treatment by cellular separation. The progressive system is not adapted to the penalties of short duration. In workhouses the penalty is kept severe and without mitigation.

Disciplinary Measures.

According to the system under consideration the principal effort is expended on reforming the prisoner and training him to obedience to law. Indirect measures employed are instruction in work, teaching him his trade; while direct means are also employed, as moral and religious influences, admonitions, reprimands, and punishments. The fear of disagreeable consequence or disobedience is appealed to as a motive, but the discipline seeks to inspire nobler motives for good conduct. Efforts are made to arouse courage and sustain hope. The prison system itself tends to react against discouragement, since it keeps before the prisoner the hope of advance in the progressive system. The rewards used are not regarded as means of maintaining order, yet they act to that end. The diminution of privileges in this system is an aid to discipline.

The direct measures for maintaining order are rather preventive in character, such as the change of work, isolated walking in the yards, separate stalls at church and in school, rigid watching, or even punishments.

The punishments prescribed by law are: Placing in a cell of punishment for a limited time, sometimes made more irksome by deprivation of light or bed, or by bread and water diet (three times in five days); deprivation of work for four weeks; corporal chastisements up to eighteen strokes of a rod (for children under 15 years); eighteen strokes of a strap for females over 15 years and males between 15 and 18; and twenty-seven strokes with a cat-o'-nine-tails or strap for males over 18 years. Corporal punishments are employed only with young offenders or with those whose disciplinary acts are unusually vicious. For many years women have not thus been punished.

Organization of Industry.

In the Danish penitentiaries no particular penal labor is imposed either as punishment for discipline or as an aggravation of penalties for special crimes, or for any other reason. All work is, if not productive, at least useful. All useless labor imposed on prisoners to punish them by its monotony or unusual fatigue is thought to be incompatible with the purpose of a penitentiary. The work is in part industrial and in part domestic. Gardening or agriculture is sometimes employed. In the cellular prisons there are as many manual trades as possible, and the effort is made to give each prisoner labor suited to his habits, or, if this is impracticable, each one is taught some branch which is easy to learn. Most of the prisoners are hired to contractors who furnish materials and direct the process of manufacture, but are themselves subject to the discipline of the establishment. All details of contracts are carefully stipulated in advance. Prisoners not contracted are employed at domestic labors or on state account, making articles to be used in the prison. Young offenders (under 18) are employed at gardening.

The organization ordinarily adopted, that of contract, is the system to be preferred. It is impossible for the director and staff, if they attend to the duty of improving the character of the prisoners, to give adequate attention to the process of industry and the marketing of products. At the same time part of the prisoners are employed on state account, so that the officers can have experience enough to know whether the men on contract are doing a proper amount of work, and will be able to conduct a branch for which contractors are not found. The product of industries pays at one establishment one-ninth, at a second one-fifth, and at a third one-seventh of the expenses.

The penalty of incarceration does not include the obligation to work. (This means in local prisons with short sentences.) In the houses for arrest work is furnished if desired, but in the smaller houses it is difficult to procure employment.

In the workhouses the state-account plan prevails, and the product is often sufficient to pay expenses, the expenses being small.

CARE OF HEALTH.

Recent changes have been made in the structure of state prisons to make them conform to modern requirements.

Dietary.—A dietary for all the prisons was introduced in 1890. On the basis of modern physiology the food is furnished which contains all the necessary elements in right proportions. Formerly the prisoners were permitted to spend half their funds on extra food, but this privilege has been abolished. The physician may prescribe a special diet for sick prisoners or those who require more food than the rule permits. Since 1898, in place of horse meat, beef has been supplied and the diet made more light. No diet was prescribed for the local prisons (jails) until recently, but now the ministry of justice has issued orders requiring that food be conformed to the requirements of physiology.

Of late years much more attention has been paid to ventilation, and changes are made to meet the demands of modern knowledge. The rules relating to cleanliness of person and room are very strict and rigidly enforced. The prisoners are required to bathe once a month at least, the women more frequently, and any person when the physician prescribes it. The shirt, stockings, and handkerchief are changed once a week. Neckcloths, under vests, drawers, and aprons are changed every fortnight, and the woolen garments once in four weeks. Outer garments are washed and aired before passing from one prisoner to another. Prisoners are furnished soap and combs. Clothing suspected of not being clean is disinfected. The prisoners do all the work of cleaning the prison. Sanitary conditions are generally excellent, and epidemics are almost unknown.

Among the diseases requiring the aid of a physician, the most frequent are those involving the digestive organs. This is especially true of those in isolated cells. These diseases arise from the fact that the food is not varied as much as is desirable, and it is difficult to digest. Most of the diseases are due to bad habits of prisoners outside of the prison or to morbid conditions. Many of the prisoners have been badly fed and carry the marks of poverty and misery. Often they are scrofulous from infancy. Most of them gain in weight and energy. Some it is impossible to build up, and they fall victims to consumption or leave the establishment as feeble as they entered it. Men often bear the marks of habits of drunkenness. For a part of the alcoholic prisoners the prison serves as an inebriate hospital, and if the evil is not inveterate they soon recover, and in many instances the abstinence is prolonged after liberation. But many are so thoroughly poisoned by alcohol that they have lost the power of resistance, and their digestive tract is inflamed, and often these are subject to mental maladies.

Surgical cases are usually due to accidents connected with work. Women are often troubled by abdominal maladies peculiar to their sex. Occasionally there are cases of confinement. Mothers may keep their infants until these are 1 year old.

Insane prisoners are not treated in prisons unless their troubles are slight and transient. Others are transferred to asylums for the insane. Ordinarily these are persons young and degenerate who by reason of their extraction develop the disease; but there are also older persons, enervated by drink and debauch, who are attacked, especially if they are treated in separate cells. Apart from persons unmistakably insane, one always finds in the prisons some of doubtful condition, not only epileptics, but also those of feeble mental power, who require the attention of the physician. In each prison there is an infirmary for the treatment of the sick. Only when operations are important or the person is seriously insane is anyone transferred to a hospital or treated at the expense of the establishment.

EDUCATION.

In the penitentiaries, where the long duration of the penalty and the diversity of means which are available for exercising moral influence on the prisoner are greater than in the houses of arrest and detention, it is made the duty of all officers (director, priest, physician, deputy director, bookkeeper, cashier, schoolmaster, and chief gardener) to seek to influence the moral conduct of prisoners by conversation. These visits are, especially in the cellular prisons, of the highest value in suggesting advice. In the prisons where the men are treated in common, these personal efforts do not play so large a rôle, although there also the attempt is made to study the individual character of each prisoner and to treat him in the most rational manner. It is sought in the congregate prisons to arrange the prisoners in divisions in such a way as to prevent vicious influences from corrupting men, and especially to keep recidivists from contact with young offenders from whom improvement is expected. Work, visits of officers, instruction and worship, good books, all cooperate in exercising a moralizing influence. In order to secure detailed information about the prisoners, and to avoid subjecting them to unsuitable treatment, the officers meet once a week to discuss the conduct of prisoners, and each person makes his observations for the benefit of all.

On each Sunday and holiday there is divine service, and the prisoners are ordinarily required to attend. Interesting and instructive lectures are given them Sunday afternoon. Each prison has a library.

The principle is observed of preventing communication with the outside world, and officers are charged with enforcing moral hygiene in this direction. Strangers are not generally admitted inside the prison to work for the moral improvement of prisoners. Near relatives are excepted from this rule, and have permission, under the rules of discipline, to converse with the men and write to them at intervals. Voluntary visitors are rarely permitted to talk with the men. Those who desire to urge temperance or religion must give evidence that they possess the proper qualifications for such work, and they are permitted to see only such persons as the director may designate.

In the local prisons, where sentences are short and means of influence more restricted, the privation of liberty must itself serve for improvement. Other moral influences under such circumstances are of smaller importance. Prisoners are usually left to the care of jailers who, as a rule, do not possess the qualities which fit them for exerting moral influence. It would be helpful if the police officials, as inspectors, should interest themselves in this part of the task and try to converse with prisoners in their cells. During recent years pastors have been charged with the duty of fostering the spiritual interests of prisoners, and in many cases with useful results. Copenhagen and several other cities having large "houses of arrest" possess a special priest, the worship is in common, and the prisoners are not required to attend.

Most of the prisoners are able to read and write at the time of their incarceration. In penitentiaries prisoners receive instruction from teachers devoted to this work, and are taught in their cells or in schools according to the regulations. The subjects are those of the primary schools, religion being taught only to females, while those especially who desire to emigrate are helped to acquire foreign languages. In each penitentiary is a library containing religious books and others which are instructive or entertaining. Instruction usually produces good results.

In the "houses of arrest" and detention no regular instruction is given, but libraries are furnished. In each cell is placed a New Testament, a psalter, and a book of prayers.

DISCHARGED PRISONERS.

There are in Denmark seven societies of patronage, one for each of the three State prisons and the others found in various places. All the societies have a common office in Copenhagen, whose principal object is to procure employment for released prisoners and watch over those placed. The society of Copenhagen has a special house of refuge for liberated prisoners where they may reside until places are found for them. There are rooms for eight women. Each society has its own officers and rules, but there is also a general administration of all. This has its headquarters at Copenhagen and has for its purpose to serve as a medium of communication between the societies and the State legislature and administration, and to aid the several societies.

The societies give special help at the critical time immediately after discharge. The method varies with cases; some are apprenticed to trades, some secured employment, some furnished with clothing or tools, others are assisted to travel. All societies avoid giving aid in money, if possible.

It goes without saying that the societies are sometimes deceived, but unquestionably many persons owe their salvation and restoration to society to these activities. It is impossible to secure statistics, because the persons aided try to free themselves from the society as soon as they can do so.

There is another society for youthful female prisoners at Copenhagen. It has asylum for 25 girls, who pay a small sum for their maintenance. They are under care two or three years, are taught domestic work, and secured places.

There is also a society at Copenhagen for helping men condemned to hard labor for the first time. The members pledge themselves to aid the men to secure work and to give them personal attention.

Another society seeks to save children who are morally in peril or already condemned. They lay special emphasis on Christian influences and try to place the children in suitable families.

NORWAY.

[Sources: Actes du Congrès Pénitentiaire International de Bruxelles, 1900. Vol. IV, pp. 555–620. Mémoire présenté par M. F. Noxen, secrétaire général au ministère de la justice.]

ADMINISTRATIVE ORGANIZATION.

Provisions of Penal Code.—The present Penal Code was approved August 20, 1842, but it has been amended since that time. The ordinary penalties which may be inflicted are the death penalty, reclusion, imprisonment, fines. The death penalty has rarely been inflicted in recent times, being replaced by reclusion.

Central administration.—After long discussion and many delays the national legislature established a central administration in 1875, and important improvements followed this measure. The superior official is the minister of justice, with a special section for the general administration of prisons in his bureau, and over it the secretary-general, who reports to the minister, but retains some independent powers.

System of Penal Institutions.

Reclusion (penitentiaries, State prisons for grave crimes).—Reclusion may be inflicted for life or for a limited term. In the latter case there are five degrees, with terms varying from six months to fifteen years. Cumulative sentences for eighteen years may be applied to recidivists. There are four establishments for reclusion in Norway—three for men and one for women.

The director is head of the establishment. He is responsible for the execution of the sentence, the administration of the prison, the order and discipline of the house, and for money spent in all departments. He is assisted by the inspector, who takes his place in his absence, and to whom the officers report. The steward makes necessary purchases, and administers provisions, materials, products of work, etc. The cashier is responsible for the funds and accounts, so far as they are not under the steward. The superintendent of industry directs the work, having guards for direct supervision. The chaplain gives religious instruction to prisoners, and has charge of the school and of instruction. The physician attends the sick, and advises measures for preventing disease and maintaining the health of convicts. He is particularly bound to observe the effect of solitary confinement and certain disciplinary penalties. He examines the physical condition of each convict upon admission and reports to the director.

Conference of officers.—In order to promote efficient cooperation and instruct the convicts, the higher officers meet once a week to deliberate upon the different questions relating to the establishment, especially in all matters which affect the convicts, their conduct, and their industry. At the penitentiary of Aakeberg there is a commission of supervision.

The director and chaplain are named by the King, the other officers by the minister of justice, or by the director. All may be removed. But, except in case of misdemeanors, the right to remove is never exercised. When the officers do not request to be relieved they remain in service as long as they are well.

Recruiting the service.—There is no special rule. There are no special schools for the preparation of employees. Political influences rarely affect the nomination of employees.

Pensions.—With the exception of the director, the chaplain, the physician, and some others, the officers are required to make payments to a treasury of pensions, founded by the State. The amount of the pension depends on the age of the officer upon his entrance into his functions, and upon the number of years during which he has made payments. This treasury having begun to be in operation only twenty years ago, and in consequence, the pensions not being yet as high as it is desirable, the Stortthing generally votes, for the officers who have retired, supplementary pensions. A guard obtains in all a pension of 700 to 800 kroner. As to the directors and the chaplains, their pension is voted entirely by the Stortthing.

RULES OF CONDUCT.

In the penitentiary of Aakeberg the convicts over 18 years of age are ordinarily isolated, not only in their cells, but also at school, chapel, and exercise outside. The prisoners under 18 years are separated, if the director finds, upon the advice of chaplain and physician, that this régime is good for them, taking into account their age, the stage of development, their health, morality, and the term of sentence, etc. Otherwise they are isolated at night, during meals, and school lessons, while they work together. Usually instruction and recreation outside are in company. During work conversation is forbidden, except for the needs of industry. Prisoners under 18 years are separated from older men. Those who endure sentence in cells have their term shortened.

Female prisoners serve their sentences in cells—(1) when they are under 18 years, if the director, after consulting chaplain and physician, think it well; (2) those between 18 and 21 years, when their moral and physical state permits; (3) those over 21 years, when they entered before that time; (4) those who enter after being 21 years old, if the general administration consents. Other women serve sentences in common. They are divided into two sections—one containing those convicted of infanticide and similar crimes, and the other for thieves, go-betweens, etc. Each section has its own separate shops, dining room, and exercise spaces. * * *

DISCIPLINARY MEASURES.

In all the central houses there is a progressive classification which has for its purpose the gradual improvement of the character of the convict by causing him to take the initiative in good conduct. There are five classes. For each class the regulation fixes a minimum time during which the prisoners, with exceptions, should remain there before being able to pass to the next class; and this minimum is higher for the recidivist than for other prisoners. The advantages which result from passing to a higher class are an increase in the reward for labor, greater privileges in the matter of correspondence and visits, permission to have the pictures of their family, and various useful objects not permitted by the regulation, a larger ration of tobacco, etc. In the highest class other privileges, so far as consistent with good order, are granted.

In the placing of the prisoners in various dormitories and shops it is sought to separate the better from the worse men.

The law of July 12, 1848, prescribes that for the amendment of the prisoners there shall be work and instruction, visits from officers and from others whose character is above question. * * * Work is obligatory upon all. The director decides what work is most suitable to the previous habits and the capacity of each prisoner, and the future ability to earn an honest living must be considered.

Disciplinary punishments.—If a convict in the penitentiary of Aakeberg is guilty of bad conduct, the director can (*a*) withdraw for ten days the permission to receive visitors other than the guards; (*b*) to forbid him access during the same period to work and reading; (*c*) to reduce him to a lower class; (*d*) to deprive him of his fund, with approval of the general administration. If the prisoner is above 18 years, he may also (*e*) be placed on bread and water diet, or (*f*) be placed in a dark cell of correction for five days at most. If the prisoner is under 18 years, the director may (*g*) place him for two days on half rations or remove part of his food; (*h*) inflict corporal punishment, not to exceed eighteen stripes of rods. In cases (*b*), (*e*), and (*f*) the convict is ordinarily placed in a correctional cell, in which there is no chair, table, nor other furniture, and where the bed is replaced by a board with a straw pillow and one or two covers, which are removed during the day.

Women prisoners may not be subjected to whipping, and the period of cellular punishment is shorter. The permission of the physician must be obtained for whipping, using dark cell, or half rations. Whipping must be inflicted in the presence of director or inspector, of the physician and two other officers. All disciplinary punishments are inscribed in a register, a copy of which is sent to the general administration each year.

It is forbidden prisoners to receive and send letters without first securing permission of the director. The director or chaplain reads every letter received or sent. The director decides whether the letter shall be sent to its address. The number of letters which a prisoner may receive or send depends on the class to which he belongs.

Permission of the director is necessary to receive visits from persons who are strangers to the establishment. The director decides how long the visit may continue. An officer must always be present.

ORGANIZATION OF INDUSTRY.

The ordinary system of industry is that of state account. Generally the administration purchases the raw materials, causes them to be made up by the prisoners, and seeks to dispose of the products so far as they are not required in the institution. Contracts for work for other establishments are taken, or even for private persons. Thus laundry work is done for citizens, but outsiders do not come into contact with prisoners. * * * The effort is made to employ the convicts in a great variety of industries, in order to reduce to a minimum the competition with artisans and free workmen, and to train the convicts in occupations which will be useful to them after their liberation. The central houses have salesrooms at Christiania and at Trondhjem. * * * There is no work outside the prison. All labor is productive

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The guards are in general acquainted with trades and act as foremen under the control of the manager. They teach the convicts their tasks. The duration of labor is usually ten to ten and one-half hours per day. The product of the labor belongs to the state. It is not thought that the convicts have any right to wages, but after a time in prison gratuities are given. This sum is not above 6 oere (8 centimes) per day for convicts of the second class (those of the first class receive no remuneration), 8 oere for those of the third class, 10 oere for those of the fourth class, and 12 oere for those of the fifth class. The amount varies with the assiduity, aptitude for work, and conduct of the prisoner. Recidivists are at a disadvantage and are promoted slowly.

These gratuities are a personal fund for the prisoner, which is administered by the director, who may permit half to be paid to the family of the convict when it is indigent. The part of the fund not thus expended is reserved for the time of liberation. It is not the property of the prisoner until he has it in his own hands. If the convict while he is still in prison commits some gross crime, his fund may be confiscated by consent of the general administration. If a prisoner destroys, in willfulness or negligence, any article belonging to the prison or its officers, the director may order a fine to be taken out of his fund. When a liberated prisoner is brought back to a penal establishment, he loses his right to the fund remaining to his credit.

CARE OF HEALTH.

Food.—The Penal Code requires that the nourishment of prisoners shall be wholesome, but not be more than is strictly necessary. Prisoners are not authorized to procure for themselves other aliments than those which they receive from the administration.

The prisoners who are well receive for breakfast, in the prison of Aakeberg, 200 grams of bread, 50 centiliters of milk, 16 grams of butter per day; in the prisons of Akershus and of Trondhjem 220 grams of bread, 12 grams of butter, 50 centiliters of milk or tea; in the prison for women, 200 grams of bread, 40 centiliters of milk, 10 grams of butter.

At dinner, one day in the week: Pea soup—for men 1 liter, women 75 centilters; bouillon—for men 1 liter, women 75 centiliters; milk soup—for men 1 liter, women 75 centiliters; soup with molasses—for men 1 liter, women 75 centiliters, soup with beer—for men 1 liter, women 75 centiliters; rata with potatoes—for men 50 centiliters, women 50 centiliters; meat—for men 100 grams, women 100 grams; fat—for men 60 grams, women 60 grams. Two days a week: Herring—men 125 grams, women 100 grams; porridge of oatmeal or barley—in the penitentiary 75 centiliters, in the prisons of Akershus and of Trondhjem 1 liter, and, in addition, 12 grams of butter, 50 centiliters of milk; women 75 centiliters, with 10 grams of butter and 40 centiliters of milk. The men receive besides, per week, 1,600 grams of potatoes, the women 1,200 grams; those in the penitentiary 1,400 grams of bread, the other men 550 grams and the women 300 grams of bread.

For supper: In the penitentiary 200 grams of bread, 16 grams of butter, and 50 centiliters of milk per day; in the prisons of Akershus and of Trondhjem, five days a week, 75 centiliters of porridge with 50 centiliters of milk; two days per week, 220 grams of bread and 50 centiliters of milk; in the prison for women, five days per week, 75 centiliters of porridge with 40 centiliters of milk; two days 160 grams of bread with 40 centiliters of milk.

The arrangement of bill of fare is made by the director who tries to have as great a variety as possible under the conditions. At the establishments of Akershus and of Trondhjem, as well as at the central prison for women, the prisoners who deserve well, by their industry, may be permitted by the director to receive an extra allowance of 110 grams of bread, 8 grams of butter and 50 centiliters of milk for men and for women 100 grams of bread, 8 grams of butter, and 25 centiliters of milk. In case of sickness the physician may prescribe such a modification of the diet as he thinks proper.

Clothing.—The prisoners are required to wear the uniform of prisons and may not procure other clothing. Each prisoner receives a jacket, trousers, vest, cap, shirt, socks, handkerchief, suspenders, shoes (leather and wood). When the physician orders it for health, the director may authorize the prisoner to have an under vest and drawers. Each female convict has a dress of gray wool cloth, petticoat, waist, chemise, drawers, stockings, shoes, cap, apron, handkerchiefs. On the order of the physician an extra waist may be given.

Beds.—The bed is a hammock or couch, with mattress, pillow, covers of wool.

Exercise.—All prisoners who are not employed on work outside or in open spaces are permitted to exercise from a half hour to an hour daily in the open air, and longer on Sundays and holidays when the circumstances permit.

Cleanliness and ventilation.—Careful watch is kept in respect to the cleanliness of the convicts, the cleanliness and ventilation of the rooms, the airing and beating of the beds, etc.

Infirmary.—In each establishment is an infirmary. As a rule the sick are treated in the prison. When the nature of the malady renders it desirable the prisoners may be sent to a hospital or asylum for the insane, in which case the consent of the general administration of prisons must be obtained.

Insane.—The insane convicts are sent, if necessary, to a special asylum for criminal insane.

The time passed by the sick prisoner in hospital or asylum counts on his sentence unless it has been voluntarily occasioned or simulated in order to secure a reduction of the term.

EDUCATION.

The law of 1848 fixed the principle that the director and chaplain should, upon reception, make an examination of the intellectual and moral condition of the convict. The director should daily visit as many as possible of the prisoners, watch over their physical and moral welfare, and, in concert with the chaplain and other assistants, seek constantly to labor for their improvement. The duty of watching specially over the moral conduct of the prisoner is incumbent upon the chaplain. He should see as many of the prisoners as he can each day, and, by his admonitions, religious instructions, console, encourage, and labor for their moral amelioration.

There is divine service each Sunday and holiday; also there is generally a Bible reading once a week by the chaplain or teacher. All the prisoners are required to be present unless excused for special reasons by the director.

The confession of faith represented by the chaplain is Evangelical Lutheran, to which most of the convicts are attached. Those who belong to other confessions may have visits from their own pastors.

Almost all the prisoners know how to read and write when they enter the prison. Those under 35 years receive instruction, with exceptions, when they have not the knowledge required. Older men may receive instruction when they express the desire. They may be taught in the school or in their cells. In the school the convicts are, according to the state of their knowledge, divided into two or three classes, which receive instruction four to five hours per week. The ordinary subjects taught are religion, the mother tongue, writing, arithmetic, the elements of geography, history, and natural science. Convicts who have voice and ear for music may enjoy one lesson in singing each week.

The central houses have a library, whose books are lent to the prisoners under certain regulations. Special care is given to the education of persons under 18 years of age.

DISCHARGED PRISONERS.

The conference of officers decides in each case what should be done for a prisoner about to be discharged. Transportation and clothing are furnished if necessary. The gratuity fund is seldom paid at once in money, but tools and other useful articles are given.

There are several societies for aiding discharged prisoners which receive grants from the State (8 kroner for each prisoner). The director and chaplain help to manage these societies. Employment is secured so far as possible for all.

SUPPLEMENTARY NOTE ON DEPARTMENTAL PRISONS (SMALL AND LOCAL).

The direction of the departmental prisons is confided to officers appointed by the King, generally a judge or an officer of police. The director has with him a commission of control appointed by the departmental or municipal council. The superior administration of prisons is under prefects, who appoint and discharge the chief guards and jailors. The religious direction of prisoners is generally confided to the pastor of the district or of the city where the prison is situated. The physician of the district cares for the health of prisoners. * * *

The management of these institutions is quite different from that of the penitentiaries. The sentences are (*a*) arrest for 32 to 240 days; (*b*) ordinary imprisonment, 16 to 120 days; (*c*) imprisonment on bread and water, 4 to 30 days. In the last case the execution of the penalty is interrupted every five days and the convict is subjected during the interval, which varies from 1 to 3 days, to imprisonment with the ordinary regimen of prisons.

If it is found that the convict to whom imprisonment on bread and water is inflicted is not able, without danger to his health, to endure this penalty, it is replaced by imprisonment under the ordinary regimen, of which four days is equivalent to one day on bread and water.

Except under specified circumstances, the convicts in incarceration are subjected to the régime of individual isolation.

The prisoner condemned to "arrest," a penalty which is rarely inflicted, is to have a room by himself, if the circumstances permit. He is authorized to provide himself with furniture for the place which he occupies.

Under the present laws those sentenced to prisons are not required to work, with the exception of children under 15 years of age; but they may work on their own account, so far as they can procure work compatible with the rules of order and security of the prison, and if the circumstances permit it work is to be furnished to those who ask for it. Since the prisoners are changing constantly and the number of trades and industries which can be established in these small prisons is necessarily very restricted, and as many of the convicts do not know any trade at the moment of their admission, it is difficult to organize work in a satisfactory manner. When the convicts are employed for the prison the director may grant them a certain remuneration. The prisoner may dispose of the money which he acquires at work on his own account or for the prison, either to procure articles which he is authorized to have in the prison, or in some other way. If he does not dispose of it it is kept for him and paid to him at his discharge; but as the period of imprisonment is generally very brief, the sums are usually insignificant.

The prisoners aged less than 15 years receive primary and religious instruction. It is the same with other prisoners who are to pass more than five days in prison, if this instruction is thought necessary, in consequence of neglected education or for other similar reasons. The instruction is given regularly to each prisoner in his cell; sometimes to a small number of prisoners at a time in the hall of the school. Each prison has a library, more or less well supplied, which offers books to prisoners. The chaplain is called to give services to those prisoners who pass more than five days in prison, and he is to be advised when other prisoners wish to speak with him. In the more important prisons divine service is celebrated on Sundays and holy days, with more or less of regularity. The chaplain is assisted in his visits by other persons, men and women. Prisoners who do not belong to the Lutheran faith obtain authority in case of need to receive a visit from their own pastor.

Disciplinary punishments.—The director may deprive the convict of all occupation for eight days, or shut him up for four days in a darkened cell. He may also inflict on convicts fifteen strokes of a rattan or rod. If there is doubt whether the prisoner is able to endure this penalty the permission of the physician must first be obtained. The punishments are recorded in a special register, which is examined at the inspections of the prison.

The prisoner on bread and water receives daily 750 grams of bread with as much water and salt as he desires. The prisoner in "arrest" is authorized to procure for himself a better diet than the ordinary. If he can not obtain it himself he is usually given it by the prison. This is fixed for each prison by the prefect, who takes account of the local usages in matter of food. The care of feeding the prisoners is usually confided to the chief guard.

Privileges.—Visits may be made to prisoners in "arrest" in their rooms, at hours fixed by the director, but on condition that the good order of the prison is not disturbed. Prisoners undergoing ordinary imprisonment, or on bread and water diet, may be permitted to receive one visit in fifteen days, or more often in exceptional cases, in presence of one of the officers of the prison.

Each prisoner in "arrest" generally has the unrestricted right to write and to receive letters. The director may give similar permission to other prisoners, but the letters are read. * * *

Clothing.—Prisoners have the right to wear their own clothing, and generally they do it; but when the garments are worn or dirty the prison furnishes others.

Cleanliness.—The prisoners are required to observe habits of cleanliness. Rooms are always to be kept clean and in order and properly ventilated.

Exercise.—Prisoners must exercise in the open air at least a half hour each day.

Workhouses.—Workhouses are not mentioned by the Penal Code, but are established by laws relating to public relief. Mendicants may be confined for two months for the first offense; four months for the second offense, six months for the third offense, and so on up to one year. Tramps who beg are liable to penalties twice as great.

Incarceration in a workhouse may also be employed in certain cases as an administrative measure. Thus the police may send in a person who is indolent or drunken, and who therefore can not gain an honest livelihood. The ministry of justice must be informed of such cases.

No person under 15 years can be placed in a workhouse. The sexes are separated, and women guards are over women. Work can not be longer than twelve hours a day. As disciplinary measures a bread and water diet, a cell, or corporal punishment may be used. These houses do not belong to the State, but to communes or districts, but their management is subject to the approval of the government, and the State pays a considerable part of their expenses. They do not depend upon the penitentiary administration, but upon the ministry of public instruction and worship.

A project of a new penal code provides for important modifications of the former regulations—indeterminate sentence, conditional or provisional release, etc.

GREAT BRITAIN.

ORGANIZATION AND ADMINISTRATION.

English Local Prisons.

Prison officers.—96. Every officer of a prison shall hold his office during the pleasure of the secretary of state.

97. An officer shall not have any pecuniary or other dealing whatsoever with or on behalf of any prisoner, or employ any prisoner on his private account.

98. An officer shall not allow any prisoner under his charge to be employed, directly or indirectly, for the private benefit or advantage of any person, or in any way not in conformity to the prison rules.

99. An officer of a prison shall not sell or let, nor allow to be sold or let, nor be interested in the selling or letting of any article to any prisoner.

100. An officer shall not directly or indirectly have any interest in any contract for the supply of the prison; nor shall he receive, directly or indirectly, under any pretense whatsoever, any fee or gratuity or present from any contractor or person tendering any contract with the establishment, or from any person whatever in relation to anything connected with the service of any prison.

101. No officer of a prison shall at any time receive any money, fee, or gratuity of any kind for the admission of any visitors to the prison or to prisoners, or from or on behalf of any prisoner on any pretext whatever.

102. Female prisoners shall in all cases be attended by female officers. A male officer shall not enter a prison or division of a prison appropriated to female prisoners, except on duty, nor unless accompanied by a female officer.

103. All officers of the prison shall obey the directions of the governor, subject to the prison rules, and all subordinate officers shall perform such duties as may be directed by the governor, with the sanction of the commissioners, and the duties of each subordinate officer shall be recorded in a book to be kept by him.

104. An officer shall not be absent from the prison without leave from the governor. He shall use the utmost vigilance to insure the safe custody of the prisoners, and shall not take any key of prison outside the gate.

105. (1) A subordinate officer shall not receive any visitors within the prison without permission of the governor. (2) A subordinate officer shall frequently examine the state of the cells, bedding, locks, bolts, etc., and shall seize all prohibited articles, and deliver them to the governor forthwith.

106. (1) Every officer shall occupy such quarters as may be assigned to him. (2) If an officer is discharged or dismissed, or resigns, he shall immediately give up the quarters he has occupied. Any officer who occupies quarters shall at any time vacate them if required to do so. On the death of an officer his family shall give up the quarters when required to do so. (3) An officer occupying Government quarters shall not keep a shop or a school or let lodgings therein, nor shall any subordinate officer permit any person not being a regular member of his family to remain for the night in his quarters without the permission of the governor, which permission the governor shall record in his journal.

107. The officer acting as gatekeeper shall examine all articles carried into or out of the prison, and may stop any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, giving immediate notice thereof to the governor.

108. It is the duty of all officers to treat prisoners with kindness, to listen patiently and report their complaints or grievances, at the same time being firm in maintaining order and discipline and enforcing complete observance of the rules and regulations of the prison. The great object of reclaiming the criminal should always be kept in view by all officers, and they should strive to acquire a moral influence over the prisoners by performing their duties conscientiously but without harshness. They should especially try to raise the prisoner's mind to a proper feeling of moral obligation by the example of their own uniform regard to truth and integrity in the smallest matters.

109. An officer shall without delay inform the governor of any prisoner who desires to see him, or to make any complaint, or to prefer any request to him or to any superior authority.

110. It is the duty of every officer to direct the attention of the governor to any prisoner who appears to be out of health, although he does not complain, or whose state of mind appears to be deserving of special notice or care, in order that the opinion and instructions of the medical officer may be taken on the case.

111. (1) Officers shall at all times carefully watch the prisoners in their various movements and employments, shall give the necessary directions thereon, and shall use the utmost vigilance to promote industry, and to maintain order and silence among them, and to prevent the escape of any prisoner. (2) Officers shall observe the character, habits, and industry of the prisoners under their charge, and shall carefully and impartially keep such records as may be ordered, and shall afford at all times to their superiors unreserved information on such subjects.

112. (1) An officer shall not strike a prisoner unless compelled to do so in self-defense. (2) In any case in which the application of force is needful, no more force than is necessary shall be used. (3) An officer shall not inflict any punishment or privation of any kind unless ordered by the governor.

113. An officer shall not fail, on any pretense whatever, through favor or mistaken notions of kindness, to make an immediate report to the governor, or superior officer, of any misconduct or willful disobedience of orders.

114. (1) An officer shall not allow any familiarity on the part of a prisoner toward himself or any other officer or servant of the prison, nor shall he on any account speak of his duties, or of any matters of discipline or prison arrangement, within hearing of a prisoner. (2) An officer shall not speak to a prisoner unnecessarily nor shall he, by word, gesture, or demeanor, do anything which may tend to irritate any prisoner. (3) An officer shall not correspond with or hold any intercourse with the friends or relatives of any prisoner, unless expressly authorized by the governor.

115. (1) An officer shall not make any unauthorized communication concerning the prison or prisoners to any person whatever, and shall not without authority communicate to the public press information derived from official sources or connected with his duties or the prison, and any such communication by an officer without authority will be regarded as a breach of confidence and will render him liable to dismissal. (2) An officer shall not publish a book on matters relating to the prison department without the sanction of the secretary of state.

116. An officer will be held responsible for being acquainted with the rules relating to his duties. He shall conform to and obey the orders of the governor in every respect, and shall assist him in maintaining order and discipline among the prisoners.

117. Every officer shall treat members of the visiting committee with the greatest courtesy and respect, and shall at all times treat his superiors with respect. He

shall be respectful to the authorities of other departments of government, and shall afford assistance to those with whom his duty calls him to cooperate, taking care not to lose sight of the rules and regulations of the prison or of the special order he may receive from the prison authorities.

118. An officer desiring to appeal against any decision which affects him, or wishing to bring any matter before superior authority, shall without delay state his complaint to the governor, for the consideration of the commissioners.

119. An officer who is suspended from duty for misconduct shall immediately give up his keys and quit the prison, but shall afterwards attend daily at the prison at such hour as the governor may appoint until otherwise directed.

120. An officer shall not use tobacco, or spirituous, or fermented liquors within the prison walls, except under such restrictions as to time and place as may be laid down by the governor and approved by a commissioner.

121. If an officer, contrary to orders, brings in or carries out, or endeavors to bring in or carry out, or knowingly allows to be brought in or carried out, to or for any prisoner, any money, clothing, provisions, tobacco, letters, papers, or other articles whatsoever, he shall be forthwith suspended from his office by the governor of the prison, who shall report the offense to the commissioners.

122. An officer may, if the terms of the contract permit it, purchase from any contractor provisions for the use of himself and his family at the contract rates.

Governor.—123. The governor shall reside in the house assigned to him.

124. The governor shall strictly conform to the law relating to prisons and to the prison rules, and shall be responsible for the due observance of them by others. He shall observe the conduct of the prison officers, and enforce on each of them the execution of his duties, and shall not permit any subordinate officer to be employed in any private capacity, either for any other officer of the prison or for any prisoner.

125. The governor, in case of misconduct, may suspend any subordinate officer, and shall report the particulars to the commissioners.

126. (1) The governor shall visit and inspect daily the wards, cells, yards, and divisions of the prison, also the bakehouse, kitchen, and workshops, and every cell or other place in which any prisoner is undergoing punishment, and shall, as far as practicable, see every prisoner at least once in every twenty-four hours. He shall visit daily all prisoners while employed at labor, and see that they are industrious and that all orders respecting labor are enforced, and in default of such daily visits he shall state in his journal how far he has omitted them, and the cause thereof. (2) When visiting the prison in which female prisoners are kept, the governor shall be attended by a female officer.

127. The governor shall take every precaution to prevent the escape of prisoners, and shall take care that all officers are well instructed as to their duties, and vigilant in fulfilling them.

128. The governor shall require reports to be made to him accounting for all prisoners in his custody night and morning, at the opening and closing of the prison, at such hours as they go to and return from labor, and at such other times as may be necessary.

129. The governor shall assure himself that all gates are locked at the proper times, and that all keys of the prison are kept in the authorized place or in the possession of the authorized officers, and he shall not allow any key of the prison to be taken outside the gate.

130. The governor and the deputy-governor shall, each at least once during the week, go through every part of the prison at an uncertain hour of the night; which visits, with the hour and state of the prison at the time, the governor shall record in his journal.

131. If the governor omits to perform any duty or routine prescribed he shall record the omission in his journal with the cause thereof.

132. (1) The governor shall cause an abstract, approved by the secretary of state, of the regulations relating to the treatment and conduct of prisoners, with a copy of the prison dietaries (printed in legible characters), to be posted in each cell, and shall read them or cause them to be read to every prisoner who can not read, within twenty-four hours after his admission. (2) The governor shall take an early opportunity of seeing all prisoners after their admission and satisfying himself that they understand the rules and regulations to which they are required to conform, the privileges they may gain by industry and good conduct, and the consequences of idleness and misconduct.

133. (1) The governor shall, without delay, call the attention of the medical officer to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the written directions of the medical officer respecting altera-

tions of the discipline or treatment of any such prisoner. (2) The governor shall notify the medical officer, without delay, of the illness of any officer or prisoner, and shall furnish to him daily a list of the prisoners reported sick in the prison.

134. The governor shall daily provide for the chaplain and the medical officer a list of prisoners under punishment.

135. The governor shall visit the infirmary daily and see all prisoners therein, and shall see that proper arrangements are made for the safe custody of the sick prisoners, and that discipline is maintained, so far as is consistent with the medical treatment prescribed for them. He shall, on all occasions, support the medical officer in the performance of his duties.

136. Upon the death of a prisoner immediate notice shall be given to the coroner having jurisdiction, also to the visiting committee, the commissioners, and the nearest relative of the deceased, where practicable.

137. (1) The governor shall see that no officer of the prison, nor any prisoner, nor any person who is under contract to supply anything for the service of the prison is a juror on any inquest held on the body of a prisoner who has died in his custody. (2) The governor shall supply to the coroner the name of any prisoner who tenders his evidence in the case of an inquest about to be held on the body of any prisoner. (3) The governor shall report to the commissioners, in respect of any inquest on a prisoner, the finding of the jury or other circumstances which may occur at the inquest.

138. The governor shall report to the commissioners any case of insanity or apparent insanity occurring among the prisoners, or any case in which the medical officer is of opinion that the life of any prisoner will be endangered by further imprisonment, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, or has reason to believe that the mental state of any prisoner is becoming impaired or enfeebled by continued imprisonment.

139. (1) The governor shall keep and be responsible for such books and records as may from time to time be prescribed. (2) He shall enter in a book, called the "governor's order book," all his orders relative to the management and discipline of the prison, and shall cause such orders to be communicated to the proper officers.

140. The governor shall keep the prescribed records of the conduct of officers, and may fine subordinate officers and servants in any amount not exceeding five shillings, for neglect of duty or other offense against the prison rules, and the fines shall be applied as may be directed by the commissioners.

141. (1) The governor shall not, without permission in writing from a commissioner, be absent from the prison for a night, except from unavoidable necessity. If from unavoidable necessity he is absent for a night, and has not been able to obtain leave for such absence, he shall at once inform the commissioners of the fact and the cause of it, and shall record it in his journal. He shall also enter his leave of absence, with the authority for it in his journal. Before leaving the prison at any time he shall give over the charge of it to the deputy governor or to the officer acting in his place. (2) When the governor is absent from the prison the deputy governor shall perform all his duties, and on such occasions shall be competent to perform any duty required to be performed by the governor. (3) If under any circumstances the governor and the deputy are both absent, the charge of the prison shall fall on the senior principal warder, to whom it shall be delivered over, but the omission of such delivery shall not justify the principal warder in neglecting the charge if he is aware that the governor and deputy are actually absent from the prison.

142. The governor may, if the terms of the contract permit it, purchase articles from any contractor for the use of his family at the contract rate; but, with this exception, he shall not have for his own use, or that of any other person, any dealings with any tradesmen supplying the prison.

143. (1) The governor shall take care that the labor of all the prisoners is made use of in such a way as to be to the best advantage to the public services, and shall not employ or allow to be employed, any prisoner in any private work for himself or for any other officer of the prison. (2) He shall promote the useful employment and industrial training of the prisoners.

144. The governor shall use his best endeavors to assist in the identification of prisoners, and with that object shall furnish to the governors of other prisons, and to the police, any information in his power.

145. (1) The governor shall not allow any person other than a judge of the high court or the bishop of the diocese to view the prison, except as provided by statute, or by an order from the secretary of state or the commissioners, and shall be careful that no visitor holds any communication with any prisoner unless authorized to do so. (2) He shall not allow any person besides the officers to pass into or out of the prison after the gates are locked for the night, nor until the hour for opening on the

following morning, except in some special case, which latter shall be entered in his journal. (3) He may examine all persons and vehicles going in or out of the prison, and may exclude any person who refuses to be examined. (4) He may remove from the prison any visitor to the prison or to a prisoner whose conduct is improper, recording the same in his journal.

146. The governor shall notify the chaplain or prison minister and medical officer of the case of any prisoner whose life is in danger, or whose state of health in mind or body appears to require their attention.

147. (1) The governor shall carry into effect the written recommendation of the medical officer for the alteration of the discipline or treatment of any prisoner, or for the supply of any additional articles to any prisoner on medical grounds; (2) the governor shall carry into effect the written recommendation of the medical officer for separating from the other prisoners any prisoner laboring or suspected of laboring under any infectious, contagious, or mental disease, and shall immediately take steps to prevent the spread of any contagious or infectious disease.

148. In any case in which the sickness of any prisoner has assumed the aspect of danger, the governor shall, whenever practicable, inform the relatives of such prisoner thereof.

149. The governor shall pay attention to the ventilation, drainage, and sanitary condition of the prison, and take such measures as may be necessary for their being maintained in perfect order.

150. The governor shall take care that proper precautions against fire are adopted, and that the fire engine and other appliances are at all times kept in good order and ready for use. He shall see that instructions are given as to the steps to be taken in case of fire, and that the officers concerned are acquainted with their duties on such occasions.

151. (1) The governor shall hear the reports every day at such hour as may be most convenient; (2) he shall see that every prisoner having a complaint or request to make shall have facilities for doing so, and he shall redress any grievance, or take such steps as may be necessary, recording the same in the prescribed manner; (3) he shall forward to the commissioners any report or complaint which any officer of the prison desires to make to them, and shall on no account suppress it, but he may offer any explanation with it which it may seem to require; (4) he shall forward to the commissioners any report or complaint against an officer with which he is not competent or willing to deal; but, in such case, the officer shall be permitted to see the charge against him, and to reply to it for the information of the commissioners, (5) he shall inform the visiting committee of the desire of any prisoner to see them.

152. (1) The governor shall see that every prisoner under punishment is visited during the day at intervals of not more than three hours by the appointed officer; (2) the governor shall take care that no prisoner is subjected to any punishment which the medical officer is not satisfied he is capable of undergoing; (3) the governor shall attend every corporal punishment inflicted within the prison, and he shall enter in his journal the hour at which the punishment was given, the number of lashes or strokes given, and any order which he or the medical officer may have given on the occasion; (4) he may, after the infliction of two-thirds of any sentence of corporal punishment, remit the remainder or any portion thereof.

153. If the governor puts a prisoner in irons or under other mechanical restraint, he shall give notice thereof to the visiting committee; and he shall not keep a prisoner in irons or under other mechanical restraint for more than twenty-four hours without an order in writing from the visiting committee, specifying the cause thereof and the time during which the prisoner is to be kept under restraint, which order shall be preserved by the governor as his warrant.

154. Before granting any permission for any purpose to any prisoner by authority of the rules applicable to the class to which the prisoner belongs, the governor shall satisfy himself that it can be granted without interfering with the security, good order, and government of the prison, and if, after it has been granted, its continuance seems likely to cause any such interference, or the prisoner has abused such permission, he may withdraw or suspend the permission. Where any such permission has been granted by the visiting committee, he may, in the like circumstances, suspend it if the case is urgent, provided that he reports the suspension within twenty-four hours to them. He shall enter in his journal all cases where such permission has been granted, suspended, or withdrawn, stating the reasons.

155. The governor, or the deputy governor shall read all letters to or written by a prisoner, and every letter shall bear the governor's initials. He shall use his discretion in communicating to or withholding from a prisoner the contents of any letter addressed to the prisoner, but shall make note of every case in which he thinks proper to withhold a letter.

156. (1) The governor shall freely communicate with the commissioners on all matters relating to the prison, and in cases of emergency he shall apply to them, and conform to their orders, acting in the meantime to the best of his own judgment. (2) He may offer any suggestions for improvement or for the advantage of the service, and need not reserve it for his annual report.

157. (1) The governor shall attend divine service in the prison whenever it is performed, keeping record of any omission and the cause thereof. He shall see that officers and prisoners attend such service. (2) If no clergyman is present as a substitute in the absence of the chaplain, the governor, or some other approved person shall read the daily prayers and the governor shall record the fact in his journal.

158. (1) The governor shall use his best endeavors to promote the efforts made to advance the education of the prisoners. (2) He shall assist with his influence and authority the efforts of the chaplain for the reformation of the prisoners.

159. The Governor shall submit to the commissioners as soon as possible after the 31st of March of each year, a report in writing, specifying, with reference to the year ending on that date, the conduct of the subordinate officers, the number of prisoners admitted to custody and their disposal, the conduct of the prisoners, the number of punishments and restraints imposed on them, the number of escapes or attempts to escape, the labor in which they have been employed and the value thereof, the state and condition of the buildings, fences, etc., the repairs or alterations made in the prison buildings, and such other particulars as may be directed, together with a certificate, signed by himself, stating whether the prison rules have been complied with in every instance, except such cases as have been brought to the notice of the commissioners.

160. The governor shall use his endeavors, by communicating with discharged prisoners' aid societies and otherwise, to assist in providing prisoners with employment on their discharge in order to prevent their falling again into crime.

Matron.—161. The matron shall reside in the prison. She shall have the care and superintendence of the female prisoners. The keys of all locks in the portion of the prison for females shall be kept in her custody.

162. The matron shall visit and inspect every part of the prison occupied by females, and see every one in her charge at least once every twenty-four hours, and in default of such visits shall state in her journal the cause for same. She shall, at least once a week, go through every part of the prison in her charge at an uncertain hour of the night, and keep records of each visit.

163. (1) The matron shall not be absent for a night without permission in writing from a commissioner or the recommendation of the governor. (2) In her absence her duties shall be performed by the senior female officer, who shall have all power and perform all duties of the matron.

164. The matron shall keep a journal in which shall be recorded all occurrences of importance in her department, and shall submit it to the governor daily.

165. The matron shall see that no male officer or visitor enters the division of the prison allotted to females unless accompanied by herself or some other female officer.

Medical officer.—166. The medical officer shall reside in the house assigned to him, and attend all sick prisoners and all officers and servants resident in the prison or within such distance as may be prescribed by the commissioners. He shall also attend the families of officers and servants of the prison, subject to such conditions and limitations as may be prescribed by the commissioners.

167. The medical officer shall conform to the rules and regulations of the prison, and shall support the governor in the maintenance of discipline and the safe custody of the prisoners.

168. (1) The medical officer shall visit the prison at least once a day and shall see every prisoner once a week, so as to ascertain his state of health and whether he is clean in person and free from disease. (2) He shall see every day all prisoners who are ill, and report to the governor in writing their fitness or unfitness for labor. He shall daily visit the sick in the infirmary at such times as may be necessary, and attend at once on receiving information of serious illness. (3) He shall visit once a day or oftener every prisoner under punishment or special discipline. (4) He shall examine every prisoner on reception and shall record his state of health and such facts connected therewith as may be directed. (5) He shall frequently inspect the washing places, baths, and other provisions for purposes of cleanliness or sanitation and see whether they are in efficient working order, and report at once any defect therein.

169. As early as practicable each month the medical officer shall inspect every part of the prison and see that nothing exists therein likely to injure the health of the prisoners, and especially that the ventilation is properly attended to. The result of this inspection shall be recorded in his journal.

170. The medical officer shall frequently inspect the food of the prisoners, cooked and uncooked, and shall report to the governor as to the quality of the provisions, and also as to the sufficiency of clothing, bedding, the quantity and quality of the water, or any other cause which may affect the health of the prisoners.

171. (1) The medical officer shall enter, in the English language, daily, in his journal, to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he orders for such prisoner. (2) He shall also record such matters connected with his duties as may be directed.

172. (1) When the medical officer has any reason to suspect that the mental state of any prisoner is becoming impaired or enfeebled by continued imprisonment, he shall take such prisoner under special care, and should he believe there are signs of incipient insanity, he shall report to the governor for the information of the commissioners, stating, if in doubt, whether he desires special advice. (2) When he has reason to believe that a prisoner's health is likely to be injured by discipline, he shall report the case in writing to the governor, and he shall call the attention of the chaplain to any prisoner who appears to require his special notice. (3) The medical officer shall give notice to the governor and the chaplain when the sickness of any prisoner appears to him to assume an aspect of danger. (4) He shall report in writing the case of any prisoner to which he thinks it necessary on medical grounds to draw attention, and shall make such recommendation as he deems needful for the alteration of the discipline or treatment of the prisoner, or for the supply to him of additional articles. (5) Whenever the medical officer is of opinion that the life of any prisoner will be endangered by his continuance in prison, or that any sick prisoner will not survive his sentence or is permanently unfit for prison discipline, he shall state the opinion and the grounds thereof, in writing, to the governor, who shall duly forward the same to the commissioners.

173. If any case of peculiar difficulty or danger occurs, the medical officer may call in additional aid, with a commissioner's approval. No serious operation shall be performed without a previous consultation with another medical practitioner, except under urgent circumstances not admitting of delay, which shall be recorded in his journal.

174. The medical officer shall, on the death of any prisoner, enter in his journal at what time the deceased was taken ill, when the illness was first reported to him, the nature of the disease, when death occurred, appearances after death (where postmortem is made), together with other remarks required to be noted.

175. In case of sickness, necessary engagement, or leave of absence, to be given by the commissioners, the medical officer shall appoint a substitute, approved of by the commissioners. The name and residence of the substitute shall be entered in his journal.

176. Where the medical officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, the test shall only be applied by authority of the visiting committee or a commissioner.

177. When any prisoner is about to be removed from the prison, the medical officer shall examine him and certify as to his fitness to leave the prison, and as to such other particulars regarding him as may be required.

178. The medical officer shall give directions in writing for separating from the other prisoners any prisoner laboring under any infectious, contagious, or mental disease, or suspected thereof, and shall take steps to prevent the spread of any such diseases.

179. The medical officer shall inform the governor of any particular point of which he may become aware in regard to the person of any prisoner which might assist in identifying him.

180. The medical officer shall examine every prisoner sentenced to hard labor, and shall report if he is unfit for such labor and shall assist in assigning the task of labor according to the physical capacity of a prisoner. He shall examine the prisoners from time to time of their being employed at hard labor, and shall report the name of any whose health he thinks endangered by the continuance of hard labor of any particular kind, and that prisoner shall not be employed at such labor until the medical officer certifies that he is fit for such employment.

181. The medical officer shall have the general care of the health of the prisoners and shall make known to the governor and commissioners any circumstances connected with the prison or the treatment of the prisoners, which require consideration on medical grounds.

182. (1) Before a prisoner is placed in close confinement, or is subjected to corporal or dietary punishment, the medical officer shall examine him and certify whether he is fit for the punishment. (2) He shall attend every corporal punishment

inflicted in the prison, and his instructions thereon for preventing injury to health shall be obeyed.

183. (1) The medical officer shall keep such statistical records and furnish such returns as may be directed relative to the health and medical treatment of officers and prisoners, and to the sanitary condition of the quarters of the officers and of the prison buildings. (2) The medical officer shall report periodically, on the health and sanitary condition of the establishment, the health of the officers, their capacity for performing their duties, and the health of the prisoners. (3) The medical officer shall submit to the commissioners as soon as possible after the 31st of March in each year, a report in writing, with reference to the year ended on that day, with statistics of sickness, mortality, removals on medical grounds, insanity, suicide, and hospital treatment among the prisoners, and such other particulars as may be directed. (4) The medical officer may at any time offer any suggestion for improvements or for the advantage of the service, and need not reserve it for his annual report.

184. Where a deputy medical officer is appointed to a prison he shall assist the medical officer in the performance of his duties as may be directed, and in his absence shall perform his duties.

The visiting committee.—275. (1) The members of a visiting committee to be appointed by quarter sessions shall be appointed at the quarter sessions held in the first week after the 28th day of December, provided that the members to be appointed at the sessions specified in the first column of the subjoined table shall be appointed as mentioned in the second column of that table:

Adjourned quarter sessions for the whole county of Herts.	At a Michaelmas adjourned session for the whole county.
Quarter sessions for the county of London.	At any session or adjourned session held in the month of January, not later than the 25th of the month.

276. The visiting committee shall continue to hold office until their successors have met and taken over their duties.

277. The first meeting of the committee shall be held at the prison at noon on the first Monday in February, or, if altered, not later than a day by the end of the first week of that month. * * *

278. At this meeting a chairman shall be appointed and rules made as to attendance at the prison for the purpose of performing duties assigned. * * *

279. Members of the visiting committee may act notwithstanding any vacancy in their body. * * *

280. In case the requisite number of members on this committee is not filled at the proper time, vacancies may be filled by appointment through the secretary of state. * * *

281. Vacancies occurring during the year may be filled by the authority who made the first appointment. * * *

282. The chairman of the visiting committee shall report the names and addresses of the full committee.

283. The committee shall keep full minutes of their proceedings. * * *

284. The committee shall meet at the prison once a month, or at least eight times during the year. * * *

285. One or more members of the committee shall visit the prison not less than once a fortnight. * * *

286. No member of the committee may have any interest in any contract made in respect of any prison of which he is on the visiting committee.

287. The committee shall report any suggestions for improving the service of the prison, and shall cooperate with the commissioners in such matters. * * *

288. Any abuses in connection with the prison brought to their attention shall be at once reported to the commissioners, and in cases of urgency they may suspend any officer until the decision of the commissioners is made known. * * *

289. They shall hear and adjudicate on any report made to the governor of the misconduct of any prisoner.

290. In urgent cases, where a prisoner has been put under mechanical restraint, and it is necessary that he shall remain so for more than twenty-four hours, they may authorize the detention by written order stating the circumstances. * * *

291. The visiting committee shall furnish such information with respect to the offenses reported to them and the punishments they award as may from time to time be required by the commissioners or secretary of state.

292. They shall hear and investigate all complaints, and, if necessary, report to the commissioners or take such action as they are directed to take. * * *

293. Reports of injury to the mind or body of prisoners through discipline or treatment shall be communicated to the commissioners. If the case is urgent, the visiting committee shall give such directions as they deem expedient. * * *

294. They shall frequently inspect the diet of the prisoners, and any lapse from the terms of the contract shall be recorded and also reported to the commissioners. The governor shall at once remedy the condition of the food. * * *

295. They may inspect any of the books of the prison.

296. They may, on application from any prisoner, dispense with his attendance at divine service on Sundays or other days.

297. They may in urgent cases allow a prisoner an additional visit or letter, or prolong the period of a visit.

298. They shall assist the commissioners with advice and suggestions as to the industrial employment and occupation of prisoners.

299. They shall assist the commissioners in the selection of books for the library. Requests for books must be submitted to them through the chaplain and governor for their approval. * * *

300. They shall decide in cases where prisoners through conscientious motives desire to change their religion. * * *

301. They may, subject to the approval of the commissioners, organize lectures and addresses in the prison, provided that they do not interfere with the prison discipline and are directed to the moral improvement of the prisoners.

302. They shall exercise supervision in carrying out the rules for the treatment of juvenile and unconvicted prisoners.

303. They shall, so far as practicable, cooperate with the governor as to the classifying of first offenders.

304. They shall, so far as is practicable, satisfy themselves as to the operation of the Discharged Prisoners' Aid Societies connected with the prison, or any other agencies having for their object the welfare of prisoners.

305. They shall inquire into the state of the prison buildings and report to the secretary of state or the prison commissioners with respect to any repairs or additions which may appear to them to be necessary.

306. They shall inquire into the condition of prison labor, whether the industrial employments provided are sufficient and of the kind most suitable for preparing prisoners for earning their livelihood on release in their own localities.

307. They shall make an annual report at the beginning of each year to the secretary of state with regard to all matters pertaining to the prison. Other reports may be made during the year when they may deem it wise to do so. * * *

308. Permissions which they are authorized to make may be granted, withheld, or discontinued as may seem to them expedient under the nature of the conditions. * * *

309. They are requested to give such assistance as may be in their power toward securing the proper disposal of any gratuities which may be earned by prisoners, especially in places where there is no Discharged Prisoners' Aid Society, according to such instructions as may from time to time be issued.

310. (1) When any juvenile offender imprisoned in the prison has been sentenced to be sent to a reformatory school, and the particular school is not named at the time of his sentence being passed, or within seven days thereafter, by the court who sentenced him, then any member of the visiting committee may, at any time before the expiration of the term of imprisonment, name the school to which he is to be sent, but shall endeavor to ascertain the religious persuasion to which the offender belongs, and, so far as possible, select a school conducted in accordance with that persuasion and shall specify that persuasion in his order. (2) If the parent, stepparent, or guardian, or if there is none such, then the godparent or nearest adult relative, of any juvenile offender who has been sent or is about to be sent to a reformatory school which is not conducted in accordance with the religious persuasion to which the offender belongs applies to a member of the visiting committee of the prison to which the offender was committed to send or to remove that offender to a reformatory school conducted in accordance with the offender's religious persuasion, that member of the visiting committee shall, upon proof of the offender's religious persuasion, comply with the request of the applicant, provided that—(*a*) The application is made before the offender has been sent to a reformatory or within thirty days after his arrival at school; and (*b*) the applicant shows to the satisfaction of the member of the visiting committee that the managers of the school named by him are willing to receive the offender.

311. The visiting committee shall also discharge such other duties as are assigned to them in the special rules for special classes of prisoners and in the general rules for the government of prisons.

CONVICT PRISONS.

Board of visitors.—176. The board of visitors appointed by the secretary of state shall hold office three years.

177. Each board of visitors shall, at their first meeting, appoint a chairman.

178. Their powers shall not be affected by vacancies. The secretary of state shall, as soon as possible, fill any vacancies by making new appointments.

179. They shall keep a book of minutes of proceedings.

180. One or more of them shall visit the prison once a month, and they must meet as a board as often as possible.

181. They shall cooperate with the directors of convict prisons in promoting the efficient working of the prison, and shall make inquiry into any matter specially referred to them by the secretary of state or the directors and report their opinion thereon.

182–189. (1) Same as rules for local prisons (288, 289, 292, 294, 295, 297, 307, 309). (2) They are requested to devote special attention to those about to be discharged, and to cooperate with the governor and chaplain in providing against relapse into crime by communicating with the aid society of the district into which he is going, or with some charitable person who will assist him to an honest living. * * *

190. They shall interest themselves in classification of prisoners as established by prison rules, and in giving needed advice. * * *

Prison officers.—87–97. (2) Same as rules for officers of local prisons in rules 96–107.

97. (3) An officer occupying Government quarters shall not keep a shop or a school, or let lodgings therein, nor shall any subordinate officer permit any person not being a regular member of his family to remain for the night in his quarters without the permission of the governor, which must be recorded in his journal.

98–113. Same as rules for local prisons (108–122).

Governor.—114–151. Same as rules for governor of local prisons (rules 123–160).

Lady superintendent.—152–156. Same as rules for matron in local prisons (161–165).

Medical officer.—157–175. Same as rules for medical officer in local prisons (166–184).

RULES OF THE ESTABLISHMENTS, LOCAL AND CONVICT PRISONS.

RECEPTION OF PRISONERS.

GENERAL RULES FOR THE GOVERNMENT OF PRISONS (LOCAL).

1. The general rules in this part shall be subject to the special rules as to particular classes of prisoners.

Buildings and cells.—2. A cell shall not be used for the separate confinement of a prisoner unless it is certified by one of Her Majesty's inspectors of prisons to be of such a size, and to be lighted, warmed, ventilated, and fitted up in such a manner as may be requisite for health, and furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

3. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

4. The wards, cells, and yards where females are confined shall be secured by locks different from those securing the wards, cells, and yards allotted to male prisoners.

Admission, discharge, and removal.—5. (1) Every prisoner shall be searched on admission and at such times subsequently as may be directed, and all prohibited articles shall be taken from him. (2) The searching of a prisoner shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of any concealed article. (3) No prisoner shall be searched in the presence of another prisoner.

6. All money or other effects brought into the prison by any prisoner, or sent to the prison for his use, which he is not allowed to retain, shall be placed in the custody of the governor, who shall keep an inventory of them.

7. A female prisoner shall be searched by female officers In other respects the same course shall be pursued in reference to the admission, removal, or discharge of a female prisoner as in the case of a male prisoner.

8. The name, age, weight, height, features, particular marks, general appearance, and manner shall be taken and recorded upon admission. * * *

9. Every prisoner may, if required for purposes of justice, be photographed on reception and subsequently; but no copy of the photograph shall be given to any person unless he is officially authorized to receive it.

10. Every prisoner on admission shall be examined by the medical officer and a record kept. * * *

11. Every prisoner, before being discharged or removed to another prison, shall receive medical examination, and unless in fit condition shall receive no certificate from the medical officer. * * *

12. Every prisoner shall take a bath on reception unless it is otherwise directed in any particular case by the governor or medical officer.

13. If any prisoner is found to have any cutaneous disease, or to be infested with vermin, means shall be taken effectually to eradicate and destroy the same.

14. After a prisoner is received at the prison an abstract of the rules relating to the conduct and treatment of prisoners shall be read to him, and proper means be taken by the governor for making him acquainted with the purport and effect of those rules.

15. A prisoner shall be exposed to public view as little as possible while being removed from or to the prison. In order to avoid exposure while passing through the public streets, he shall, if necessary, be conveyed in a cab or other closed vehicle.

16. No payment made by a prisoner in part satisfaction of the sum adjudged to be paid by him, in order to obtain the remission of a part of his imprisonment, as provided by section 9 of the prison act, 1898, shall be made on Sunday, or on a week day before 9 a. m. or after 4 p. m.

Prisoners awaiting trial.—185. The following rules shall apply to any person committed to prison for safe custody in any of the following circumstances: (*a*) On his commitment for trial for any indictable offense; (*b*) pending the preliminary hearing before justices of a charge against him of an indictable offense, or pending the hearing of an information or complaint against him; (*c*) awaiting sentence.

186. A prisoner awaiting trial shall not be required to take a bath on reception, if, on the application of the prisoner, the governor decides that it is unnecessary or the medical officer states that it is for medical reasons unadvisable.

187. In order to prevent prisoners awaiting trial from being contaminated by each other or endeavoring to defeat the ends of justice, they shall be kept separate and shall not be permitted to communicate with each other.

188. Prisoners awaiting trial shall be kept apart from convicted prisoners and, while attending chapel and at other times, shall, if possible, be placed so that they may not be in view of the convicted prisoners.

189. The visiting committee shall, on the application of any prisoner awaiting trial, if, having regard to his ordinary habits and conditions of life, they think such special provision should be made in his case, permit him (1) to occupy, on payment of a small sum fixed by the commissioners, a suitable room or cell specially fitted for such prisoners, and furnished with suitable bedding and other articles in addition to or different from those furnished for ordinary cells; (2) to take exercise separately or with selected untried prisoners, if the construction of the prison permit it; (3) to have, at his own cost, the use of private furniture and utensils suitable to his ordinary habits, to be approved by the governor; (4) to have, on payment of a small sum fixed by the commissioners, the assistance of some person to be appointed by the governor, relieving him of the performance of any unaccustomed tasks or offices.

190. The visiting committee may also permit the governor to modify the routine of the prison in regard to any prisoner awaiting trial so far as to dispense with any practice which, in the opinion of the governor, is clearly unnecessary in the case of that particular prisoner.

191. Any money in the hands of the governor belonging to a prisoner awaiting trial may be applied to making special provision for his comfort, according to the rules of special payment. * * *

192. The prisoner awaiting trial may have books or other articles in his possession at time of arrest, which may not be required in evidence against him, or are not suspected as having been improperly acquired by him, or are not for some reason of justice or discipline denied him. * * *

OFFENDERS OF THE FIRST DIVISION.

Admission and treatment.—213. An offender of the first division shall be kept apart from other classes of prisoners.

214. An offender of the first division shall not be required to take a bath on reception unless the governor or medical officer consider it imperative.

215. Offenders of the first division shall be searched only by an officer specially appointed. * * *

216. (1) An offender of the first division shall be placed in a room appropriated to prisoners of his class, except in case of infectious disease, when he shall be detained until seen by the medical officer. * * * (2) An offender of the first division shall at all times, except when at chapel or exercise, occupy the room or cell assigned to him.

217. The visiting committee shall, on the application of any offender of the first division, if, having regard to his ordinary habits and conditions of life, they think such special provision should be made in respect to him, permit any such prisoner (1) to occupy, on payment of a small fixed sum, a room or cell specially fitted for such prisoners and furnished with suitable bedding and other articles in addition to or different from those furnished for ordinary cells; (2) to have, at his own cost, the use of private furniture and utensils suitable to his ordinary habits, to be approved by the governor; (3) to have on payment of a small fixed sum, the assistance of some person appointed by the governor, relieving him of unaccustomed tasks. * * *

218. Any money in the hands of the governor belonging to any prisoner of the first division may be applied for making special provision for him in respect of which payment is by these rules required to be made.

Food and clothing.—219. An offender of the first division shall be permitted by the visiting committee to supply his own food on giving notice beforehand, but he shall receive no prison allowance in addition. * * *

220. Articles of food shall be received for offenders of the first division only at fixed hours, and shall be inspected by the officers and subject to restrictions. * * *

221. An offender of the first division shall not, during the twenty-four hours, receive or purchase more than one pint of malt liquor, fermented liquor, or cider, or, if an adult, more than one-half pint of wine.

222. He shall be permitted to wear his own clothing unless it is unfit, and, if he does not wear his own, the prison clothing shall be of a different color from that of other classes of prisoners. * * *

223. When an offender of the first division wears his own clothing the medical officer may order it disinfected. * * *

224. No offender of the first division shall be allowed to sell or transfer any article allowed to be introduced for his use to any other person.

Cleanliness.—225. An offender of the first division shall not be compelled to have his hair or beard cut, except when the medical officer orders it cut for reasons of health.

226–231. Same as rules marked for prisoners awaiting trial.

OFFENDERS OF THE SECOND DIVISION.

232. An offender of the second division shall, as far as possible, be kept apart from other classes of prisoners.

233. An offender of the second division shall, on reception, be required to take a bath, unless the governor or medical officer deem it unadvisable.

234. An offender of the second division shall at all times, except when at chapel or exercise, occupy the cell assigned.

235. An offender of the second division shall receive the allowance of food prescribed for offenders of the first division who do not maintain themselves.

236–237. Same as rules for offenders of first division.

238. An offender of second division shall wear a prison dress of a different color from that worn by other classes of prisoners.

239. An offender of the second division shall not be deprived of his mattress during any part of his sentence except for misconduct.

240. An offender of the second division shall be employed at work of an industrial or manufacturing nature, and can thus earn such remission of sentence and gratuity as the rules allow.

241. Same as first-division offenders.

242. An offender of second division shall also be subject to any general rules, except when they are inconsistent with the special rules relating to offenders of the second division.

OFFENDERS OF THE THIRD DIVISION.

243. Offenders of the third division will be treated under the general rules for the government of prisoners.

RULES OF CONDUCT.[a]

Visits and communications (prisoners awaiting trial).—207. (1) Provision shall be made for the admission, under proper restrictions, of persons with whom prisoners awaiting trial wish to communicate, care being taken that, so far as is consistent, they shall see their legal advisers alone. * * * (2) Every prisoner awaiting trial shall be permitted to see one or two persons at the same time for a quarter of an hour on any week day during specified hours. (3) Exceptions for special reasons may be made to this rule and the length of a visit be prolonged. * * * (4) Every effort to effect privacy for both the prisoner and his friends during visits shall be made. * * *

208. A prisoner awaiting trial shall be allowed to see his bona fide legal adviser on any day of the week at any reasonable hour, and, if required, in the sight of but not in the hearing of an officer. * * *

209. A prisoner awaiting trial because of default of bail shall be permitted to see any friend at any reasonable time for the bona fide purpose of providing bail.

210. A reasonable amount of writing materials shall be provided a prisoner awaiting trial. Any confidential written matter prepared for a legal solicitor may be delivered to him personally without having been examined by the governor, but all other letters must be subject to examination by the governor. * * *

211. A prisoner awaiting trial who is visited by a minister differing from the Established Church shall not be compelled to attend any services except those of the said persuasion, but, subject to foregoing provisions, they shall attend divine service on Sundays and other days, unless excused by the governor. * * *

212. Prisoners awaiting trial shall be subject to any general prison rules, except so far as they are inconsistent with the special rules relating to prisoners awaiting trial.

Visits and communications (convicts).—72. (1) Communications between prisoners and their friends by visits and letters will be allowed in accordance with the following rules, subject to restrictions imposed for the maintenance of discipline and order in the prison. (2) A prisoner will not be allowed to communicate with his friends when not entitled to do so by the rules, except by special permission, but, under pressing or urgent circumstances not admitting of delay, the governor may grant permission, which he shall record in his journal. (3) A convicted prisoner, after two months of the term of his sentence have expired, shall, provided his conduct and industry have been satisfactory, be allowed to communicate with his relatives and respectable friends by letter and to be visited by them in the prison, and this privilege shall be gradually increased according to his conduct and industry until the interval shall be reduced to one month. Not more than three persons shall be admitted to visit a prisoner at one time. No other person shall be allowed to communicate with a prisoner except by special authority. These privileges may be forfeited at any time for misconduct or breach of regulations of the prison. (4) In addition to the above privileges the governor may allow any prisoner entitled to a visit to write a letter and receive a reply in lieu of such visit, should his friends be unable to visit him, and also to allow any prisoner to write a special letter and to receive a reply under any of the following circumstances: (*a*) The death of a relative; (*b*) to give instructions as to his business or urgent family matters; (*c*) to make arrangements for obtaining employment or assistance from friends on release. (5) The governor may communicate to a prisoner or his friends any matter of importance, in case he should not be entitled to write or receive a letter. (6) A barrister or solicitor conducting any legal proceedings, in which the prisoner is a party, will be allowed to see the prisoner with reference to the business, in the sight, but not in the hearing, of an officer. (7) Male prisoners shall be visited in the presence of a male officer, female prisoners in the presence of a female officer. (8) No person shall be allowed to visit a prisoner on Sunday, except in cases of emergency.

73. (1) The governor may demand the name and address of any visitor to a prisoner, and when he has ground for suspicion may search male visitors, and may direct a female officer to search a female visitor, the search not to be in the presence of any prisoner or other visitor, and in case of refusal the governor may deny him or her admission. The governor shall record any such proceedings. * * * (2) If visitors are suspected of bringing in or taking out of the prison articles for an improper purpose, or that their conduct tends to subvert the discipline of the prison, the governor may suspend their visits or remove them from the prison. In such cases records must be made of the incidents. * * *

74. An officer of police may visit prisoners for the purpose of identification on production of an order from the proper police or magisterial authority.

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[a] Some of these rules are found in other sections, under other heads.

75. Every letter to or from a prisoner shall be read by the governor or deputy governor, and if the contents are objectionable it shall not be forwarded, or the objectionable part shall be erased.

76. Any person committed to prison in default of the payment of any sum which in pursuance of any conviction or order he is required to pay shall be allowed to communicate by letter with and to see any of his friends at any reasonable time for the bona fide purpose of providing for the payment which would procure his release from prison.

77. The governor shall, subject to the provisions of these rules, prevent all intercourse or communication between the prisoners, so far as the conduct of the business of the prison or the labor of the prisoners will permit. The privilege of talking may be given after a certain period as a reward for good conduct for a limited time and under reasonable supervision. * * *

Disciplinary Measures (Local Prisons).

Classification and remission.—34. All convicted prisoners, except offenders of the first and second divisions, shall be classified as follows: (*a*) Star class, to consist of prisoners who have not been previously convicted of serious crime or who are not habitually criminal or of corrupt habits; (*b*) ordinary class, to consist of prisoners who have been previously convicted of serious crime or who are habitual criminals or of corrupt habits; (*c*) juvenile offenders.

35. (1) A system of progressive stages shall be established with specific privileges attached to each stage, and every prisoner shall have the opportunity of profiting by this system. (2) A prisoner while in any stage shall be entitled to every privilege attached to that stage, unless he forfeits any privilege as provided by this rule. (3) The promotion of a prisoner from one stage to another shall be gained by industry, but it may be postponed for idleness or misconduct, or he may be removed to a lower stage, or he may forfeit any of the privileges of his stage.

36. (1) A daily record of the industry of every prisoner shall be kept in marks, the award of which shall be carefully supervised by the governor and deputy governor, and every prisoner shall, as a condition of becoming eligible for remission, earn the required number of marks, and, in addition, any marks he may have forfeited for misconduct. (2) Every prisoner shall also be required to earn as a condition of obtaining promotion to a higher stage, the number of marks assigned to his existing stage, and, in addition, any marks forfeited for stage. (3) Marks for remission of sentence not earned by industry, in consequence of physical or mental weakness or illness, shall be granted in every case where it is certified by the medical officer that the illness was actual and not feigned or was not the result of misconduct.

37. A convicted prisoner sentenced to imprisonment, whether by one sentence or cumulative sentences, for a period exceeding six calendar months, shall be eligible, by special industry and good conduct, to earn a remission of a portion of his imprisonment, not exceeding one-fourth of the period remaining after he has served six calendar months, and on his discharge he shall be furnished with a certificate by the governor that he has been released under section 8 of the prison act, 1898.

Offenses and punishments.—78. No punishment or privation shall be awarded to a prisoner by any officer except the governor, or, in his absence, the officer appointed to act for him.

79. A prisoner shall be guilty of an offense against prison discipline if he (1) disobeys any order of the governor or other officer, or any prison regulation; (2) treats with disrespect any officer or person employed in the prison or works * * *; (3) is idle, careless, negligent at or refuses to work; (4) is absent without leave from divine service, or prayers, or school instruction; (5) is irreverent at divine service or prayers; (6) swears or uses abusive, insolent, threatening, or other improper language; (7) is indecent in language, act, or gesture; (8) commits a common assault upon another prisoner; (9) converses or holds intercourse with another prisoner without authority; (10) makes any unnecessary noise or gives unnecessary trouble * * *; (11) leaves his cell or place at work without permission; (12) disfigures or damages any part of the prison or any article to which he has access; (13) commits any nuisance; (14) has in his cell or possession any article he is not allowed to have; (15) gives to or receives from any prisoner any article without leave; (16) in any other way offends against good order and discipline; (17) attempts to do any of the foregoing things.

80. The governor may examine any person touching any alleged offense against prison discipline and determine thereupon and punish the offense.

81. For any offense with which the governor may deal he may order a prisoner to be punished by (*a*) close confinement for any period not exceeding three days;

(*b*) reduction from a higher to a lower stage or delay of promotion for a period not exceeding fourteen days * * *; (*c*) deprivation of mattress for any period not exceeding three days for idleness or refusing to work; (*d*) forfeiture of remission of sentence for a period not exceeding seven days.

82. If any prisoner is charged with a serious or repeated offense for which the punishment the governor is authorized to inflict is insufficient, the governor shall report the same to the visiting committee, empowered, after inquiry into the same on oath, to order the offender to be punished. The offenses referred to are (1) personal violence to a fellow-prisoner; (2) grossly offensive or abusive language to any officer or servant of the prison; (3) willfully breaking the prison windows or other property; (4) when under punishment, willfully making any disturbance interrupting the order of the prison * * *; (5) any other act of gross misconduct requiring to be suppressed by extraordinary means; (6) escaping or attempting to escape from the prison.

83. The visiting committee, or one of them, may order a prisoner to be punished by (*a*) close confinement for a period not exceeding fourteen days; (*b*) No. 1 diet for ill-conducted and idle prisoners for a period not exceeding fifteen days, with intervals as indicated in the rules for dietaries; (*c*) No. 2 diet for ill-conducted and idle prisoners for a period not exceeding forty-two days, with intervals as indicated in rules for dietaries; (*d*) reduction from a higher to a lower stage or postponement of promotion for a period not exceeding twenty-eight days; (*e*) forfeiture of remission of sentence for a period not exceeding fourteen days.

84. (*a*) If any prisoner is charged with (1) mutiny or incitement to mutiny, (2) grossly offensive or abusive language to any officer or servant of the prison, the governor shall report to the visiting committee, and the chairman shall summon three or more members of the committee and inquire into the charges according to § 5 of the prison act, 1898, determining the punishment under their power, as set forth in rule 83, or, in the case of a male prisoner under sentence of penal servitude, or convicted of felony, or sentenced to hard labor, by corporal punishment, in addition to or in lieu of any of those punishments. * * * (*b*) Whenever an order for corporal punishment is made, the authorities by whom the order is made shall furnish to the commissioners, for transmission to the secretary of state, a copy of the notes of evidence and a report of the sentence and of the grounds on which it was passed, and such order shall not be carried into effect until it has been confirmed by the secretary of state.

85. A prisoner shall not be punished until he has had an opportunity of hearing the charges and evidence against him and of making his defense

86. The governor shall enter in the punishment book a statement of the nature of any offense punished by him or the visiting committee, with the name of the offender, the date of offense, and the punishment inflicted, and the report shall be submitted to the commissioners every week.

87. Dietary punishment shall not be inflicted on any prisoner, nor shall he be placed in close confinement, nor shall corporal punishment be inflicted unless the medical officer has certified that the prisoner is in a fit condition of health to undergo the punishment.

88. All corporal punishments in the prison shall be attended by the governor and the medical officer in order to prevent injury to health. The governor shall record the hour of punishment, the number of lashes given, and any orders he or the medical officer may have given. * * *

89. Corporal punishment, in the case of a prisoner over 18 years of age, shall be inflicted either with a cat o' nine tails or with a birch rod, and be approved by the secretary of state.

90. The number of lashes given a prisoner over 18 years of age shall not exceed thirty-six, or, on a prisoner under 18 years of age, eighteen.

91. The order for corporal punishment shall be entered on the records, together with the number of lashes to be given and the instrument to be used. * * *

92. (1) No prisoner shall be put under mechanical restraint except in cases of urgent necessity, and notice must be given to the visiting committee, and no prisoner shall be kept under restraint more than twenty-four hours without an order in writing from a member of the visiting committee, which order shall be preserved by the governor as his warrant. (2) Irons or other means of restraint shall not be used except of such patterns and in such manner as may be approved by the secretary of state. (3) No prisoner shall be put in irons or under mechanical restraint as a punishment.

Sentence of death.—93. Prisoners under warrant or order for execution shall immediately upon arrival be searched by or by the orders of the governor, and all articles dangerous or inexpedient for them to retain shall be taken from them. They shall be confined in a cell apart from all others and day and night be under constant charge of an officer. Such dietary and exercise shall be allowed as is directed by the commissioners. The chaplain or prison minister shall have free access to them. With these exceptions no person not being an officer of the prison or a member of the visiting committee, shall have access to them except by special order of the prison commissioner.

94. During the preparation for an execution and the time of the execution no person shall enter the prison unless legally entitled to do so. * * *

95. (1) A prisoner under sentence of death may be visited by such of his relations, friends, and legal advisers as he desires to see, and are authorized to visit him by an order in writing from a member of the visiting committee. (2) If any person make it appear to a member of the visiting committee that he has important business to transact with a prisoner under sentence of death, that member may grant permission in writing to that person to have a conference with the prisoner.

Offenses and punishments (for convict prisons).—71–85. Same as rules in local prisons (78–92).

86. (1) Any prisoner who assaults or attempts to assault any person, or who escapes or attempts to escape, may, by order in writing of a director, be made to wear a distinctive uniform, and be restrained in leg chains or cross irons for any period not exceeding six months. (2) For violence or insubordination a prisoner may, if necessary, be restrained by the governor in handcuffs for not more than twenty-four hours; or in the case of an invalid prisoner, with the concurrence of the medical officer, by the body belt; and the use of these restraints shall be recorded by the governor in his journal. (3) Irons or other means of restraint shall not be used except of such patterns and in such manner as may be approved by the secretary of state.

INDUSTRY (LOCAL PRISONS).

38. A prisoner may be employed in the service of the prison, but not in the discipline, or in the service of any officer or servant or other prisoner.

39. (1) Every male prisoner, not being a juvenile offender, if sentenced to hard labor, shall, for twenty-eight days, or for length of sentence if it is less than twenty-eight days, be employed in strict separation and for not more than ten nor less than six hours per day, exclusive of meals. If his sentence is more than twenty-eight days, and his conduct is good, labor less hard and in company may be given him, and he shall be eligible for all the privileges of promotion. No prisoner shall perform labor for which he is unfit, if so certified by the medical officer. * * * (2) An aged prisoner in weak health, or any prisoner in physical or mental infirmity, shall not be placed in cellular isolation or employed in such work as to aggravate their infirmity. * * *

40. A prisoner shall be required to work not more than ten nor less than six hours a day, exclusive of meals, unless the medical officer certifies that he is physically unfit, and shall be liable to punishment for neglect of work. He shall be employed on some useful industry and in association and entitled, during good conduct, to the privileges to be gained by industry under the progressive stage system. * * *

41. The labor of all prisoners shall, if possible, be productive and the trades and industries taught and carried on shall, if practicable, be such as may fit the prisoner to earn his livelihood on release.

42. Every female prisoner sentenced to hard labor shall be kept at labor not more than ten nor less than six hours a day for the length prescribed, unless the medical officer certifies that she is unfit; regard being had to the advice of the visiting committee or Discharged Prisoner's Aid Society.

43. (1) On Sunday, Christmas, Good Friday, and General Fast or Thanksgiving days, the employment of a prisoner shall be confined to what is strictly necessary for the service of the prison. (2) A Jewish prisoner shall not be compelled to labor on his Sabbath or on such days of festival as may be prescribed.

44. The medical officer shall occasionally examine those under hard labor sentence and shall record and report the name of any whose health may be endangered by a continuance at hard labor and the prisoner shall be relieved until such time as the medical officer shall dictate. * * *

CARE OF HEALTH.

[See additional items under duties of physician.]

33. A prisoner shall be required to keep himself clean and decent in person and to conform to such regulations as may be laid down for that purpose.

45. A prisoner when employed in cellular or indoor work shall, when practicable, be permitted to take exercise daily in the open air for one hour, or for a longer period when the health requires it. Means shall be provided, if possible, for exercise to be taken under cover in wet weather. * * *

PRISONERS AWAITING TRIAL.

Food, clothing, and bedding.—193. An untried prisoner may procure for himself at proper hours, food, malt liquor, clothing, bedding, etc., subject to examination and the rules approved by the commissioners; such articles may be paid for out of money belonging to the prisoner and in the hands of the governor. If a prisoner awaiting trial does not provide himself with food he shall receive the allowance given to prisoners awaiting trial by the prison rules.

194. A prisoner awaiting trial may, if he choose, wear the prison dress, and shall be required to do so if his own clothing is unfit, or necessary to be preserved for the purposes of justice. The dress for untried prisoners shall be of a different color from that of convicted prisoners. * * *

195. When a prisoner awaiting trial wears his own clothing the medical officer may order them disinfected. * * *

196. If a prisoner awaiting trial prefers to provide his own food for any meal he shall give notice beforehand at the time required, but he shall not be allowed the usual prison meal in addition. * * *

197. Articles of food shall be received only at such hours as are prescribed. They shall be inspected by the officers and subject to restrictions to prevent waste.

198. A prisoner awaiting trial shall not purchase more than one pint of malt liquor, fermented liquor, or cider in twenty-four hours, or, if an adult, half a pint of wine. * * *

199. No prisoner awaiting trial shall sell or transfer any article whatsoever allowed to be introduced for his use to any other person, and any transgression of this rule will prohibit the purchase of any such article for such a period as the commissioners shall name. * * *

Cleanliness.—200. A prisoner awaiting trial shall not be compelled to have either his hair or beard cut, unless for reasons of uncleanliness, and then shall be cut only so short as necessity requires. * * *

201. The beds of prisoners awaiting trial shall be made, and the rooms and yards in their occupation be swept every morning. The furniture and utensils in their use shall be kept in order. An assistant may be secured to do this under the rules of the prison. * * *

202. If any prisoner awaiting trial is out of health and desires attendance of his usual physician, he may secure him at his own expense and after approval of the visiting committee.

CONVICT PRISON.

16. No spirituous liquors of any kind shall be admitted for the use of any prisoner under any pretense whatever, except in pursuance of special rules, or of a written order of the medical officer, specifying the quantity admitted and the name of the prisoner for whom it is intended. This rule shall not apply to any stock of liquors kept in the prison for the use of the infirmary and under control of the medical officer.

17. Except by special authority of the directors or for medical reasons, smoking shall not be allowed in the prison. * * *

18. Sufficient wholesome food shall be supplied each prisoner, according to a scale of diet, regard being had to sex, age, and employment. * * *

19. Complaints to be made in regard to diet must be heard by the officer as soon as the food is placed before the prisoner, and repeated groundless complaints shall be treated as a breach of discipline. * * *

21. The governor shall consult the medical officer respecting the quality of food furnished the prisoners.

22. A prisoner shall not be allowed wine, beer, or other fermented liquor unless under treatment in the infirmary and ordered by the medical officer, who shall keep record of amount prescribed and for whose use intended. * * *

23. Every prisoner shall be supplied with a complete prison dress, sufficient for warmth, and shall be required to wear it.

24. Any clothing belonging to a prisoner which may be received into a prison may be disposed of, and on his discharge he shall be supplied with suitable clothing.

25. Each prisoner shall usually occupy a cell by himself by day and by night. If, under special circumstances, it is necessary that prisoners be associated, not fewer

than three prisoners may be located in one room, in which each shall be supplied with a separate bed.

26. Every prisoner shall be supplied with sufficient bedding. Additional clothing and bedding may be issued during severe weather or in special cases, as the medical officer may prescribe. * * *

27. A male prisoner may not be required to sleep without a mattress except as a punishment.

Cleanliness.—28. (1) A prisoner shall be required to keep himself clean and decent in his person and to conform to the regulations for that purpose. (2) Every prisoner shall obey the rules regarding washing, bathing, and hair cutting. * * * (3) A prisoner shall not be stripped or bathed in the presence of another prisoner. (4) Each prisoner shall keep his cell, utensils, books, and other articles issued for his use, and his clothing and bedding clean and neatly arranged, and shall clean and sweep the yards, passages, and other parts of the prison as directed.

40. A prisoner, when employed in cellular or indoor work, shall, when practicable, be permitted to take exercise daily in the open air for an hour or for any longer period which the medical officer may deem necessary for his health, having regard to the nature of the work and the state of health of any particular prisoner.

EDUCATION.

46. No chaplain shall officiate in any prison until he has obtained a license from the bishop of the diocese in which the prison is located, nor for a longer time than while the license is in force. * * *

47. (1) Service of the established church shall be read daily by the chaplain, or in his absence by a person authorized by the commissioners. * * * (2) On each Sunday the chaplain shall read prayers and preach a sermon in the chapel both morning and evening. Also on Christmas, Good Friday, and on fast days as prescribed. * * * (3) The chaplain shall administer the holy sacrament of the Lord's supper on suitable occasions to such prisoners as desire it. * * * (4) Prisoners shall attend prayers whenever performed, unless excused by the governor or visiting committee.

48. The chaplain shall report any abuse or impropriety in the prison which comes to his knowledge.

49. The chaplain shall keep a record of occurrences connected with his duties and make such reports as may be ordered.

50. The chaplain shall make an annual report soon after the 31st of March, of the moral and religious conditions in the prison, and the result of the instruction given in the school. He may make suggestions for improvement in the service and need not reserve this for the annual report. * * *

51. The chaplain shall attend the prison daily, recording the times of his arrival and departure, as well as of his attendance in chapel and the duties performed.

52. (1) The chaplain shall see and admonish the prisoners on admission and discharge. He shall visit them during the period of their sentence and endeavor to promote their reformation. * * * (2) The chaplain shall read prayers to the sick in the infirmary daily, and shall daily visit any prisoner under punishment.

53. The chaplain shall read the burial service at the funeral of any prisoner of the established church who may die in the prison. * * *

54. The chaplain may, in conjunction with the governor, use his best endeavors to provide employment for prisoners after their discharge.

55. The chaplain shall pay particular attention to a prisoner under orders for execution or committed on a charge punishable with death.

56. In case of absence the chaplain shall name a substitute, or may invite an assistant in the discharge of his duties, subject to the approval of the commissioners. * * *

57. The chaplain shall conform in every respect to the rules and regulations of the prison. * * *

59. Any prisoner desiring a visit from a minister not of the established church may receive such visits at proper times and subject to the prison rules and regulations. * * *

60. A prison minister shall be made acquainted with the names of all prisoners of his persuasion and such other particulars as shall aid him in performance of his duties.

61. Hours shall be set apart when a prison minister may visit prisoners of his persuasion, but he shall not hold communication with any other than those of his own persuasion.

62. A prison minister shall, so far as practicable, see and admonish every prisoner of his persuasion, both on admission and on discharge.

63. A prison minister shall visit the sick prisoners of his persuasion and also those who are under punishment. * * *

64. He shall pay particular attention to those prisoners of his faith who are under order of death. * * *

65. He shall have access to the catalogue of books to be issued to prisoners, and no book to which he makes objection shall be given to any prisoner of his persuasion.

66. He shall conform to the rules of the prison and shall not interfere with the working of them, but shall support the governor in the maintenance of discipline and order.

67. No books or printed papers shall be admitted into any prison unless approved by the commissioners, and no books intended for religious instruction in the established church without the approval of the chaplain; in cases of difference of opinion the reference shall be submitted to the bishop, whose decision shall be final. All books admitted into the prison for the religious instruction of those not belonging to the established church shall be submitted to the minister of their persuasion for approval. The governor shall keep a catalogue of books and printed papers admitted into the prison.

68. Each prisoner shall be furnished with a Bible and prayer book, such as is approved for the denomination to which he belongs.

Instruction.—69. (1) Provision shall be made in every prison for the instruction of prisoners in reading, writing, and arithmetic, during such hours as may be appointed. It will be the duty of the chaplain to give daily his personal superintendence to that instruction. (2) Every prisoner eligible for instruction shall be kept from labor and be under instruction not less than four hours each week.

70. (1) A library shall be provided in each prison, consisting of books approved by the commissioners, and no books other than those supplied to the prison library shall be permitted for the use of prisoners, except in pursuance of special authority. (2) A prisoner, during the first month of his sentence, shall be allowed books of instruction in addition to the usual religious books. (3) A prisoner, after the first month of his sentence, shall, in addition to the usual books of instruction, secular and religious, be allowed library books, and the frequent exchange of such books shall be allowed, according to his conduct and industry.

71. Prisoners who do not profit by the instruction afforded them may be deprived of any privileges in the same way as if they had been idle or negligent at labor.

CONVICT PRISONS.

41–66. Same as rules for local prisons (46–71).

CARE OF DISCHARGED PRISONERS.

189. The board of visitors are requested to give such assistance as may be in their power toward securing the proper disposal of any gratuities which may be earned by prisoners, especially in places where there is no discharged prisoner's aid society, according to such instructions as may from time to time be issued.

15. Any gratuity granted. to a prisoner on his discharge may be paid through a prisoner's aid society or in such manner and under such conditions as the directors may order for the purpose of preventing its being misapplied.

APPENDIX.

Rules for Debtors.

Admission, discharge, and removal.—244. Any persons imprisoned for default in payment of a debt, including a civil debt, recoverable summarily or in default, or in lieu of distress to satisfy a sum of money adjudged to be paid by order of a court of summary jurisdiction, when the imprisonment is to be without hard labor, shall be classed as debtors and treated under the following rules:

245. A debtor prisoner shall not be associated with criminal prisoners.

246. He shall not be required to take a bath on reception unless the governor or medical officer shall so order for medical reasons.

247. He shall at all times, except when at chapel or exercise, occupy the cell assigned to him.

Food, clothing, and bedding.—248. A debtor prisoner shall receive the allowance of food prescribed for offenders of first division who do not maintain themselves.

249. Clothing rules: Same as for first division offenders.

250. Rules for cleanliness: Same as for first division offenders.

251. The beds of debtors shall be made and surroundings kept clean daily by them. * * *

252. A debtor shall work at his own trade, provided it does not interfere with prison regulations. He shall receive all his earnings save the cost of his maintenance. * * *

Health.—253. Debtors may exercise and associate with one another mornings and afternoons for certain periods.

Visits and communications.—254. Same as rule for visits for offenders of first division.

255. In applying to a debtor prisoner the general rule 76 any request from the legal adviser, wife, or, relative of such debtor to visit such debtor is to be granted at any reasonable hour of the day.

256. The place in which debtors receive visits shall not be the same as that in which criminal prisoners receive their visits if any other suitable place can be provided.

257. Debtor prisoners shall also be subject to any general rules made by the secretary of state for the government of prisons, except so far as the same are inconsistent with the special rules relating to debtors.

Rules for Juvenile Offenders Awaiting Trial.

258. (1) All prisoners under the age of 16 who are under remand or awaiting trial shall be formed into two divisions, being classed by the governor and chaplain: (*a*) Those who have not been in prison before and who are well conducted in prison, who shall be kept separate from (*b*) those who have been in prison before or who misbehave in prison. (2) Any prisoner who declares himself to be more than 16 years of age, but who, in the opinion of the governor and medical officer, should not be placed among adult prisoners, shall be classed as a juvenile offender. * * *

259. Every unconvicted juvenile prisoner in division (*a*) shall be confined as little as possible, and may have the door of his cell open between 6 a. m. and 6 p. m. with the approval of the governor, chaplain, or medical officer. A juvenile prisoner shall not enter the cell of any other prisoner. * * *

260. Unconvicted juvenile prisoners shall be allowed two periods of exercise daily in walking, physical drill without arms, or garden work, but shall be kept apart from other prisoners. * * *

261. Unconvicted juvenile prisoners shall receive one hour of instruction daily by the schoolmaster. Those in division (*a*) shall be kept separate from those in division (*b*). Any prisoner who can not read shall be read to from suitable books.

262. The governor and chaplain shall encourage industry in unconvicted juvenile prisoners. They may work at their own trades or at one pursued in the prison. If the latter, he shall be remunerated according to rule 206 for those awaiting trial. * * *

263. A special set of books shall form a library for the unconvicted juvenile prisoners. Picture books shall be provided for those who can not read.

264. These rules shall apply, as far as practicable, to juvenile female prisoners under 16 years of age.

265. Unconvicted juvenile prisoners shall be subject to the rules for prisoners awaiting trial and to any general prison rules, unless inconsistent with the special rules for juveniles awaiting trial.

Rules for Juvenile Offenders under Conviction.

266. (1) Every prisoner under the age of 16 shall be classed as a juvenile offender. (2) Those who have not been in prison before and are well behaved shall be kept separate from those who have been in prison before or who misbehave in prison. (3) Same as for unconvicted.

267. If the sentence is for one month or upward, a juvenile offender shall be located in a prison in the district in which accommodation is set apart for juvenile offenders. If the sentence is for less than one month he shall be retained in the prison to which he has been committed, but in a part separate from the adult prisoners.

268. A juvenile prisoner shall take exercise, receive school instruction, and be seated in chapel apart from and, if possible, out of sight of adult prisoners, with whom he shall on no occasion come into contact.

269. In the case of a juvenile offender the ordinary prison discipline shall be mitigated in the following manner: (*a*) He shall not be compelled to sleep without a mattress; (*b*) he shall be allowed a special library as well as books of instruction

throughout his sentence; (*c*) he may be employed in association with other juvenile offenders in workshops or in outdoor work; (*d*) he shall be instructed in a trade which may be useful to him on release; and (*e*) he shall, if physically fit, be exercised daily at physical drill in lieu of, or in addition to, walking exercise. * * *

270. A juvenile offender may be allowed by the visiting committee to receive extra visits, if they are desirable and calculated to improve his moral welfare and future career.

271. Whenever a child under 14 years of age is committed to prison, the governor shall report it the same day to the under secretary of state, home office, unless by warrant of commitment the child is ordered to be detained in a reformatory or industrial school.

272. The chaplain shall devote individual attention to the juvenile prisoners, and in cooperation with the visiting committee and discharged prisoners' aid society, to make every possible provision for their protection and care on discharge.

273. Before a juvenile is discharged the governor shall inform his relatives and friends of the exact time of discharge, that they may receive him; but if they are known to be aiding him in evil courses, and some suitable person is willing to take care of him, and the prisoner consents, the friends shall not be notified. * * *

274. Convicted juvenile offenders shall also be subject to any general prison rules except so far as they are inconsistent with the special rules for juvenile offenders under conviction.

CANADA.[a]

PENITENTIARY REGULATIONS, 1899.

Official Organization.

[Extract from a report of the committee of the honorable the privy council, approved by his excellency on the 26th of November, 1898.]

On a report dated 16th September, 1898, from the minister of justice, stating that by § 15 of the penitentiary act it is provided that "the inspector shall, subject to the approval of the governor in council, make rules and regulations for the management, discipline, and police of the penitentiaries, * * * and may, with such approval, annul, alter, or amend the same."

The minister therefore recommends that the rules and regulations adopted by orders in council of the 30th June, 1887, and 16th January, 1888, respectively, be annulled, and that the attached regulations, which have been submitted to him by the inspector of penitentiaries, be adopted and prescribed as the rules and regulations for the government of the several penitentiaries in the Dominion of Canada. The committee submit the same for your excellency's approval.

Appointment and retirement.—1. The minister of justice shall exercise complete administrative power in connection with the selection of officers, and may appoint or dismiss any officer or employee; provided always that as regards the appointment of a warden, deputy warden, chaplain, surgeon, or accountant, such action shall be subject to the concurrence of the Governor-General in council.

2. No person shall be employed as an officer of the prison who is not able to read and write with facility, or who can not readily apply the elementary rules of arithmetic.

3. The father, brother, or son of any officer shall be ineligible for appointment as an officer of the same institution.

4. No one shall be eligible for appointment as guard whose age exceeds 35 years, and all applicants must pass a satisfactory medical examination and be certified by the prison surgeon to possess the physical stature and other qualifications prescribed by the inspector.

5. The minister shall fix, within the limits of the existing statutory schedule, the salary to be paid to each officer.

6. In the retirement of an officer or employee from the service the minister may authorize the payment of a gratuity, within the limits provided by the penitentiary act and amendments thereto.

Residence and grounds.—7. The warden and deputy warden shall reside where the minister of justice directs.

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[a] Documents kindly furnished by Mr. Douglas Stewart, inspector of penitentiaries, Ottawa, Canada.—C. R. H.

8. Their families and servants shall avoid intercourse with convicts, under penalty of expulsion from the penitentiary premises.

9. Under no circumstances shall a convict be permitted to enter the private quarters or residence of an officer.

10. The warden or deputy warden, or any other officer who from his duties may be compelled to reside upon the prison premises, shall occupy such residence free of rent.

11. Such buildings and grounds may be kept in repair and order at prison expense, but no convict labor shall be rendered to any officer except upon requisition, and in that case shall be paid for by the officer. Destruction of houses or grounds arising through negligence or fault shall be charged to the officer in residence. * * *

12. No livestock or poultry not the property of the prison shall be kept on the penitentiary reserve.

13. The government will not furnish any house or quarters for occupation by any officer.

Uniform.—14. Every officer, on duty, shall wear uniform clothing of such style as the inspector and the minister shall direct. Such uniform may be furnished at prison expense. * * *

15. Uniform is to be worn only during the time the officer is on duty. If any officer is known to have worn his uniform when off duty, or by negligence, or misuse destroys any article of uniform, such article shall be replaced at his expense.

16. All articles of uniform are the property of the prison, and when condemned shall be disposed of to the best possible advantage to the institution.

Warden.—18. The warden shall not absent himself from the prison for more than twenty-four hours without leave. In case of absence he shall notify the deputy warden, in writing, before leaving the prison.

19. He shall report to the inspector any officer physically, morally, or otherwise unfit, and shall frequently examine the members of the staff as to their knowledge of the rules of their duties. * * *

20. He shall not employ nor permit to remain any officer who does not possess the qualifications required by rule 2, without reporting the fact to the inspector.

21. He may, upon emergency, employ temporary police, but only for the time of the emergency, and report shall be made to the inspector. * * *

22. He shall be responsible for the conduct and efficiency of every officer and employee, and for the proper administration of every department of the prison. * * *

23. He shall have power to impose a fine on any officer for misconduct; the amount shall not exceed one month's salary, and shall be approved by the inspector and the minister. * * *

24. He shall see that all implements used in every department are properly cared for, and shall keep record of all articles issued to heads of departments. * * *

25. He shall promptly forward to the inspector all letters and memoranda placed in his hands for that purpose by either officers or convicts, accompanying them with such remarks as he may wish. He shall also forward all charges which may be made against officers or employees, together with a report of his action, or recommendation, in each case.

26. He shall report by telegraph, and by first mail in writing, anything of an extraordinary or serious nature that may occur.

27. The annual report of the warden shall be accompanied by such reports and returns as the inspector may direct.

28. He shall be responsible for the preservation and safe-keeping of all books, documents, and correspondence in connection with the business and administration of the prison.

29. The warden shall enter into no contract affecting the interests of the prison without the sanction of the minister of justice. Supplies for the prison shall be obtained by contract whenever practicable to do so.

30. He shall exact the faithful fulfillment of contracts. Should there be any default on the part of a contractor in not furnishing supplies of the quantity, kind, or quality contracted for, the warden shall (upon the refusal or neglect of the contractor to do so, after being duly notified) purchase the article or articles, and the excess of price over contract rates shall be charged against the contractor.

31. He shall visit every part of the prison premises as frequently as possible, and be responsible for the proper and judicious assignment of labor He shall examine all passes returned to him by the gate keeper.

32. He shall satisfy himself every evening before leaving the prison that all is safe, and that proper provision is made for the safe-keeping and comfort of the convicts during the night.

33. He shall see that the victuals issued to the convicts are of wholesome quality, properly cooked, and served.

34. He shall, daily, deliver all letters to convicts, which have been approved, and shall receive and forward all letters which the convicts desire to transmit, within the limits of prescribed rules. * * *

35. When a convict arrives, the warden shall, before giving a receipt therefor, have him examined by the surgeon. If the convict be admitted, he shall explain to him the rules of the prison regarding conduct, and the provision for the remission of sentence as a reward for good conduct and industry. * * * He shall cause a complete inventory to be made of every article found upon him, and a description thereof to be entered in the "prisoners' effects book." All cash must be deposited in a chartered bank to the credit of the warden and the accountant—jewelry and other valuables deposited in the prison safe or vault—clothing and other effects returned to the prisoner's friends, destroyed, or handed over to the custody of the chief keeper, as the warden may direct.

36. He shall report at once to the chaplain, under whose spiritual charge a convict is to be placed, his name, number on the register, crime, and period of sentence. He shall take due care that the religious opinions of convicts are not interfered with or made the subject of comment or ridicule.

37. He shall see that there is efficient police control of the convicts when at chapel.

38. The warden, on receipt of complaint, shall hear the statement of the convict and communicate his decision in writing to the deputy warden.

39. He shall see that two convicts do not occupy the same cell. * * *

40. When he issues orders for the staff, such orders shall be posted in the "order book," and a copy sent to the inspector. He shall see that such orders do not contravene existing regulations. * * *

Deputy warden.—41. The deputy warden shall maintain, generally, the police and discipline of the prison, and exercise supervision of the officers and convicts, and take every precaution for the security of the prisoners. He shall report to the warden, in writing, every neglect of duty or impropriety on the part of any officer. When any complaint is submitted he shall ascertain all details in connection with the matter and report the facts, with his recommendations, to the warden. * * *

42. Subject to the warden's concurrence he shall assign to every police officer the duty to be performed by him during the day, a record being kept in the "roster." He shall also keep a "daily labor sheet," showing the location of every officer and convict during working hours, and see that no work is performed except for the prison.

43. Before the safety bell is rung he shall see that all the convicts are accounted for, and on the closing of the prison shall see that all keys are in the safety box.

44. He shall visit the prison at uncertain hours during the night to see that all night officers are on the alert.

45. He shall promptly report to the warden any police officer absent from roll call and any other officer who is not on duty at the proper hour, and also report any officer who appears on duty in an untidy or unbecoming manner.

46. He shall see that the arms are at all times in good order and ready for service. He shall see that police officers are properly armed and equipped with ammunition for the duties assigned them; that the police officers annually undergo a course of instruction in the use of rifle and revolver; and he shall conduct the regular target practice and report results.

47. He shall not permit any book, paper, or newspaper to be read by any officer while on duty in or about the prison.

48. Twice a month, with the blacksmith instructor, he shall examine all locks, fastenings, and gratings in the prison, reporting their condition, in writing, to the warden.

49. He shall see that nothing is allowed near the inclosing walls, or is otherwise accessible to convicts, that can facilitate escape. He shall see that all ladders are properly secured.

50. In prisons where there is no chief keeper that office shall devolve upon the deputy warden.

51. The deputy warden, upon being notified, in writing, by the warden, at any time, of his intended absence, shall assume the duties of the warden and exercise all the functions of that officer during his absence.

Surgeon.—52. Upon the arrival of a convict the surgeon shall examine him to see if he is diseased, has mental or physical defect, and if he has been vaccinated. If not vaccinated, it shall be done at once. Facts shall be reported to the warden. * * *

53. He shall attend to the hygiene and cleanliness of the prison and prisoners, to the ventilation of the dormitories, workshops, and other buildings, and to the water supply and drainage. Monthly reports shall be given to the warden.

54. His books shall be kept subject to inspection by the inspector or warden.

55. When the case requires a post-mortem examination it shall be done at once and a written report submitted. * * *

56. In times of present or threatening epidemic he shall have power to direct, by written report to the warden, such change in the general diet of the prisoners as he may consider advisable.

57. In case of any serious operation requiring consultation or assistance, he shall report the facts to the warden, in order that the services of another medical practitioner may be obtained.

58. He shall be responsible for the custody of all medical supplies and instruments, and be prepared to account, in detail, for such at any time.

59. He shall attend the officers and employees of the prison free of charge.

Chaplains.—60. A chaplain shall confine his religious instruction to those convicts who have been placed under his charge, and shall make no attempt, directly or indirectly, to proselytize any convict.

61. He shall be diligent in visiting convicts at all reasonable times (subject to approval of the warden) in their cells, hospital or chapel, and in imparting to them such instructions as may be helpful in promoting their spiritual welfare, moral reformation, and obedience to the regulations of the prison.

62. He shall write no letters for a convict, except with the permission of the warden.

63. Religious services shall be held on each Sunday, at such hours as the warden, with the approval of the inspector, may indicate.

64. Ordained clergymen of any religious denomination shall be allowed, at times convenient to be fixed by the warden, to visit the penitentiary for the religious instruction of such convicts as may be adherents of the same denomination as the clergymen so visiting.

Accountant.—65. An accountant shall attend at his office from 9 a. m., until 5 p. m., and at such other hours as may be necessary.

66. For each article in every account presented for payment, he shall see that a proper requisition has been issued to the storekeeper, and that the storekeeper has accounted for the article in his stock book. He shall check and revise the calculations and extensions.

67. All vouchers for payment of money shall be made in triplicate and the original invoice returned to the storekeeper. Before payment of the account he shall see that the orders for the goods are delivered up.

68. He shall examine the time books and shop books, weekly, to see that they are correctly kept, and shall charge in a book to be kept for that purpose, the amount of convict labor expended upon any alteration, improvement, repair, or additions to any of the buildings, works, machinery, drains, farm, gardens, or other property of the penitentiary, so that the precise value of convict labor, used in such undertaking, may be ascertained and recorded.

69. Directed by the warden he shall be responsible for the order and preservation of all accounts, vouchers, documents, or valuables intrusted to him, and for all books of his department.

70. He shall make out statements of accounts at such times as required by the warden, or the accountant of penitentiaries.

71. He shall be diligent in collecting all debts due to the penitentiary.

Chief trade instructor.—72. The chief trade instructor, directed by the warden, shall have the direction of the work in the shops and works of construction or repairs carried on by the various trades. * * *

73. All requisitions for material or machinery in connection with the trades must be initiated by the chief trade instructor before presentation to the warden.

74. All requisitions for work required from the shops shall, after approval by the warden, be handed to the chief trade instructor who shall enter the order in the books of the shop in which the work is to be done and see that the work is properly and promptly executed.

75. He shall keep such books as may be necessary and be prepared at all times to furnish any estimate or statements required by the inspector or the warden.

76. It will be his duty to report to the warden any neglect of duty or inefficiency on the part of the instructors under his control.

Chief keeper.—77. He shall render assistance to the deputy warden in maintaining the discipline of the prison. * * *

78. He shall be responsible for the order and cleanliness of the prison, the clothing and cleanliness of the convicts, and make requisitions for all necessary supplies in this connection.

79. He shall see that all clothing, bedding, and utensils are properly marked and that no convict has in his possession any article to which he is not entitled or which bears an improper mark.

80. He shall have charge of the "officer's default book" and "prisoner's offense book." All reports of discipline shall be handed to the chief keeper who, after making the preliminary entry in his books, shall transmit such report to the deputy warden. When the report has been acted upon it must be returned to the chief keeper to be entered and filed.

81. He shall take charge of male convicts upon their arrival and see that they are properly bathed, clothed, and provided with cell accommodations.

82. He shall have charge of the "prisoner's effects books" and of such articles belonging to male convicts as are not otherwise disposed of.

83. He shall have control of the bathroom, laundry, and change rooms, and shall see that the hair clipping and shaving of the convicts are properly attended to.

84. Every evening after the safety bell has rung he shall inspect the shops and buildings within the prison inclosure to see that all is safe and in proper condition. He shall then make sure that the outside guards are on duty.

Engineer.—85. He shall be responsible for the steam and electric service, heating, lighting, water service, and sewers of the prison.

86. He shall from time to time report to the warden his views as to necessary changes and improvements in the works under his control, and be prepared at any time to submit a detailed estimate and specifications in connection therewith.

87. All requisitions for supplies for his department must be initiated by him, before presentation to the warden.

88. Electricians, firemen, sewage overseers, and other employees of the engineer's department shall carry out the instructions of the warden and engineer.

Storekeeper.—89. He shall purchase and have custody of all goods and supplies for the penitentiary until issued for consumption. * * *

90. He shall purchase no article for the penitentiary for special departments without a signed requisition from its officer and the warden. * * *

91. It shall be his duty before submitting any requisition to the warden for purchases, to personally inspect the balance in the hands of the officer making the requisition, and should he deem the purchase unnecessary, he shall report to the warden. * * *

92. He shall receive all goods, materials, fuel, and stores of every kind. He shall weigh or measure the same on their delivery. He shall inspect the quality, check the items on the invoice, check the calculations, and certify whether or not the items are correct, and agree with the requisition.

93. He shall hand to the accountant every account for goods, after having checked and certified to its correctness; and shall be careful to preserve and index all original invoices.

94. He shall keep a detailed account of all supplies issued to the various departments, showing date, quantity, and cost.

95. When articles are manufactured or produced in the penitentiary, they shall be entered in the stockbook of the department manufacturing them, and then delivered to the storekeeper, who shall make a corresponding entry in his stock book. He shall fix the price of prison products supplied to the steward.

Steward.—96. The steward shall have charge of the victualing department, including the kitchen, cellars, and other places where provisions are kept, and all passages leading thereto.

97. He shall keep detailed account of the quantities and value of all supplies received by him, and of all supplies used by him, the price of prison products being fixed by the storekeeper.

98. He shall see that all provisions received by him are kept, until used, in such condition as to prevent their becoming injured in quality. He shall take care that no bad or unsound provisions are cooked or furnished to the prisoners.

99. He shall be in the prison not later than half past 6 o'clock in the morning in winter, nor 6 o'clock in summer, to supervise the preparation of breakfast. He shall be present at all meals.

Warden's clerk.—100. He shall be available for duty at any time that he may be required by the warden, and shall perform such duties as may be assigned to him by that officer or by the inspector.

101. He shall carefully file and preserve all books, letters, and documents connected with the warden's office.

102. From the confidential nature of his duties, he shall be held unworthy of his position, if, without authority, he divulges, directly or indirectly, any matter that may come to his knowledge in connection with the affairs of the prison.

Hospital overseer and schoolmaster.—103. He shall, under the direction of the surgeon, have charge of convicts in hospital, and other male convicts under treatment. He shall see that the prescriptions and directions of the surgeon with regard to medicine, treatment, and diet are strictly adhered to.

104. He shall take care that no convict is allowed within the dispensary, or has access to any of the medicines or medical comforts therein.

105. In his capacity as schoolmaster he shall instruct the convicts in their cells, and conduct such classes in the elementary principles of education as the warden may indicate, at such hours as may be fixed by the warden with the concurrence of the inspector.

106. Where an assistant is provided, the division of duties shall be such as the warden and surgeon may establish.

Matron.—107. She shall keep a "prisoners' effects book" and preserve such articles belonging to the female convicts as are not otherwise disposed of.

108. She shall keep a "conduct and industry book" and a "work book," and shall give those under her charge all needful instruction in their work.

109. She shall allow no work to be done by the convicts, except for the female prison, without a proper requisition therefor.

110. She shall admit no male visitor, nor any male officer of the prison, except the warden, deputy warden, surgeon, and chaplains, without the written order of the warden.

Farm instructor.—111. The farm instructor shall, under direction of the warden, have the custody and control of the farm, stables, farm implements, and piggery, and shall conduct all work in connection with the farm and the housing of its products.

112. He shall be responsible for any loss that may accrue through his neglect to provide for the safekeeping and preservation of property under his control.

113. He shall keep account in detail of all expenditure and returns in connection with his department.

Trade instructors.—114. They shall observe the rules laid down for the guidance of officers in general and carry out all orders received from the warden and chief trade instructor.

115. They shall be held responsible for the proper use of the material supplied them and for any want of economy which they may permit to take place in connection with their departments, respectively.

116. They shall be in attendance in the morning and after dinner in time to receive the convicts when they go to work.

Keepers.—117. Keepers shall promptly and vigilantly carry out the orders of the warden and of their superior police officers. They shall be held responsible for the correctness of the "locking-up report" which they furnish to the deputy warden.

Guards.—118. Guards shall promptly and vigilantly carry out the orders of the warden and of their superior officers, and be held responsible for the custody, industry, and treatment of convicts placed in their charge.

Gate keeper.—119. The gate keeper must be vigilant in guarding against surprise and stratagem on the part of convicts. Where there are two sets of gates, he should not permit the outer and inner ones to be open at the same time. He must never permit anyone to go out of the gate until he has ascertained that he was properly admitted.

120. He shall permit no convict to pass out unless in charge of an officer.

121. He shall permit no article to be taken out without a pass which shall bear on its face a description of the article and the reason for passing it. He shall daily transmit to the warden all passes presented and accepted. Passes for implements or materials for prison use outside the walls should be signed by the head of the department requiring them and initialed by the warden, deputy warden, or chief keeper. All other passes should be signed by the accountant and initialed by the warden.

122. He shall examine all vehicles entering to ascertain that nothing improper is carried therein, and be equally particular on their departure to see that no convict is concealed therein and that no prison property is clandestinely carried out.

Officers generally.—123. Every officer when on duty shall wear his uniform and present a clean and orderly appearance. If within hearing of the alarm bell, he shall hasten to the prison when it is rung.

124. Every officer in charge of convicts shall be furnished with a memorandum book, in which he shall note daily the conduct and industry of the prisoners under his charge.

125. A monthly return shall be made to the chief keeper by such officers, representing the conduct and industry of the convicts. This return must be prepared with care and impartiality, in order that the convicts may be dealt with in exact accordance with the spirit of the statute.

126. Should an officer become ill on duty, he shall immediately notify the warden, deputy warden, or chief keeper, in order that a substitute may be provided.

127. An officer who absents himself from duty without providing a satisfactory certificate from the surgeon shall not be entitled to salary for the time so lost, and, in

addition, he shall be liable to such fine or penalty as the warden, with the minister's concurrence, may impose.

128. If any officer reports for duty under the influence of liquor, fall asleep on duty, have undue relations with any convict, be guilty of gross neglect of duty, or give to or receive from any convict, directly or indirectly, any contraband article, or do anything else unbecoming an officer of the institution, he shall be dismissed.

129. Officers shall not make the affairs of the penitentiary the subject of conversation beyond the precincts of the prison, nor make them known to any person outside, under penalty of dismissal.

130. Every officer and servant of a penitentiary must understand that the warden has the right to exact his services in any capacity for which he may consider such officer or servant qualified.

131. No officer shall censure another officer or hold unnecessary conversation with him in the presence of a convict. Special care should be taken that convicts do not become acquainted with the business of the prison.

132. No keeper or guard shall leave his post without written order of the warden, deputy warden, or chief keeper, and no other officer shall leave his post without the written authority of the warden.

133. Whenever it may be necessary for a superior officer to countermand or change an order given by an inferior officer, notice shall be given verbally, or sent in writing, promptly to the officer by whom the original order was given.

134. If an officer be guilty of a neglect or disregard of his duty, it shall be incumbent upon any officer knowing of such neglect to report the same to the warden, under his oath of office, without fear or favor.

135. An officer shall not have familiarity with any convict, nor permit any to be used toward himself.

136. No officer is permitted to strike a convict except in self-defense, to suppress revolt, prevent escape, or as a punishment in pursuance of the regulations.

137. No officer shall permit a convict under his charge to leave his gang, nor permit one not placed in his charge to join his gang, without the written order of the warden, deputy warden, or chief keeper.

138. In their intercourse with convicts officers shall maintain a firm and dignified demeanor under any provocation.

139. Should a convict appear to be attempting escape it shall be the duty of the officer to order him to go to his work. Should the convict refuse, alarm shall be given by the readiest means, and should the convict still endeavor to effect escape the officer shall aim at him and fire so as to wound or disable him, if possible. Officers will bear in mind that life is to be put in hazard only under circumstances of positive necessity, and that under no other circumstances shall they discharge their firearms at a convict.

140. When a convict is taken ill at work the officer in charge shall send him to the hospital in care of a guard who will at once report the fact to the warden.

141. Officers shall not use profane, indecent, or abusive language toward convicts, or in their presence, or about the prison. * * *

142. No officer shall, without authority, recognize any convict after his discharge, nor make him known to others, to his injury.

Record and account books.—153. They shall be such as the inspector, or the accountant of penitentiaries, may direct.

Survey board.—154. Officers in charge of departments shall be held responsible for every article given to them, until it shall have been condemned by the survey board.

155. The storekeeper, chief trade instructor, and farm instructor (or such other officers as the inspector may indicate), shall form a "survey board," whose duty it shall be to determine whether any article is unserviceable or not.

156. The board shall consider whether the articles should be repaired, used for any other purpose, sold or condemned, and lay their recommendation before the warden.

157. They shall keep a record of all articles submitted to them, and of their recommendations with regard to them.

TREATMENT OF CONVICTS.

In the Canadian penitentiary regulations many of the rules under this head are found among the duties and requirements of the officials. In order to save reprinting them references are made in the proper places under "Official organization," above. The paragraph numbers of the original document are retained.

Inspection of new convicts. (See paragraphs 35, 36, under "Official organization," above.)

Identification.—184. The warden shall carry out instructions regarding the measurement of habitual offenders and other convicts serving sentence for serious crimes. * * *

185. He shall promptly fill in and transmit to the proper officer all prescribed forms and returns in this connection, and give all possible aid to the officer of the Bureau of Identification.

186. The officers to whom the details of identification of convicts shall be assigned shall be the hospital overseer and the steward, or such others as the inspector shall designate. * * *

Classification of convicts.—181. Convicts who have not been known to have been previously convicted ot any offense, and who are not serving under conviction for murder, manslaughter, burglary, rape, arson, or any unnatural or heinous crime, or for attempt to commit such offense, may be separated in so far as practicable from other convicts, under such regulations as the inspector, with the concurrence of the minister, may establish.

182. Such convict shall be distinguished by a metal star upon the collar of his coat or blouse.

183. Any convict who has been placed in this class and who seriously violates prison rules shall be deprived of the privilege, and shall thereafter be ineligible for reinstatement in this class.

Rules of Conduct.

Many rules of conduct are printed above, under the heading "Official organization."

165. A severe punishment shall be inflicted upon a convict who shall supply, or attempt to supply, any convict under punishment with provisions or anything else.

166. Every convict shall keep his person and clothing as neat and clean as the character of his work will permit.

167. Every convict who shall approach the officers and servants of the penitentiary shall do so in a respectful manner, and must implicitly obey their orders without comment or hesitation.

168. He shall not leave the gang to which he has been attached without permission.

169. No convict shall be permitted to speak to another convict, nor to any officer or servant of the institution, except from necessity or with respect to the work at which he is employed; nor shall he, except by permission, speak to any visitor or look away from his work when a visitor is present.

170. A convict shall not write to another convict, nor make any sign to him; nor shall he give another any offense. * * *

171. No two or more convicts shall be together out of the sight or the easy hearing of an officer. Every convict shall be at all times under charge of an officer, who shall be responsible for his safe keeping.

172. No convict, unless by permission and in the presence of an officer, shall enter the cell of any other convict.

173. Whistling, shouting, indecent behavior, or other improper conduct, injury to property, idleness or negligence at work, or willful mismanagement of it, will render a convict liable to punishment.

Disciplinary Measures.

158. Convicts whose conduct and industry are exceptionally good may, after six months' service, be awarded remission of sentence as provided by statute.

159. Remission time forfeited by a convict can not be restored.

160. A convict who forfeits all his remission time earned may begin to earn short time again from the expiry of his punishment.

161. Should a convict forfeit all his remission twice during any term of imprisonment, he shall not be allowed short time until he shall have given evidence of reformation and proved himself deserving.

162. The warden is authorized to deprive a convict of not more than thirty days of remission for any offense against prison rules. For the forfeiture of any longer period it will be necessary to obtain the sanction of the minister.

163. Every convict who attempts to escape, breaks prison, attempts to break prison, breaks out of his cell, or makes any breach therein, with intent to escape, or assaults any officer or servant of the prison, shall forfeit all remission which he has earned, and proceedings shall be taken for his prosecution in the courts, and further punishments may be inflicted according as the case may warrant. * * *

164. Any money or other article, not the property of the institution, found in the possession of any convict, at any time after reception, shall be forfeited to the officer who discovers it, and the convict shall be liable to punishment. * * *

176. The remission of sentence authorized by statute shall, for every month, be such as the warden may determine according to the good conduct and industry of the convict; but no remission shall be allowed until after the expiry of the first six months of imprisonment.

177. A convict whose conduct is satisfactory may be allowed the privilege of being visited by the members of his family once in three months, and of writing to his family once in two months, the stationery and postage being supplied by the warden.

178. He shall also, should he request it, receive permission to see the inspector during his visits to the institution.

Punishments.—179. The following punishments may be inflicted upon male convicts: (*a*) Diet of bread and water not exceeding 21 consecutive meals; (*b*) hard bed, with or without blankets, according to the season, not exceeding one month; (*c*) ball and chain or Oregon boot; (*d*) confinement in the isolated cells, with such diet as the surgeon shall pronounce sufficient; (*e*) flogging with a leather paddle under the restrictions set forth in the penitentiary act regarding corporal punishment; (*f*) shackled to the cell gate during working hours; (*g*) the application of water from the hose in the presence of the warden; (*h*) forfeiture of remission of sentence.

180. The following punishments may be inflicted on female convicts: (*a*) Diet of bread and water not exceeding six consecutive meals; (*b*) hard bed, with or without blankets, according to the season, not exceeding six consecutive nights; (*c*) diet of bread and water not exceeding six consecutive meals, combined with hard bed not exceeding six consecutive nights; (*d*) penal or separate cell, with such diet as the surgeon shall declare sufficient; (*e*) forfeiture of remission of sentence.

CARE OF HEALTH.

Food.—See paragraph 33, above.

Medical and surgical care.—See paragraphs 52–59, above, under duties of surgeon.

Duties of hospital overseer.—See paragraphs 103–106, above.

EDUCATION.

Religion.—See paragraph 36, above; also paragraphs 60–64, duties of chaplain.

Technical instruction.—See paragraphs 72–76, duties of chief trade instructor; farm instructor, paragraphs 111–113, above; trade instructors, paragraphs 114–116. The schoolmaster is also hospital overseer. (See paragraph 105, above.)

174. All convicts who upon their reception declare themselves to be Roman Catholic shall be placed under the spiritual charge of the Roman Catholic chaplain; all others shall be placed under that of the Protestant chaplain, and every convict shall be obliged to attend the chapel services unless exempted by the written order of the warden. * * *

175. Every convict shall attend the services of the chapel to which he has been assigned, and shall not be allowed to change from one to another without written authority of the inspector.

UNITED STATES OF AMERICA.

CENTRAL ORGANIZATION OF PENAL INSTITUTIONS.

General outline.—There is no "prison system" in the United States. The Federal Government has prisons of various grades for its civil courts, its Army, and its Navy. Each of the States in the Union has its general and local prisons and makes its own laws and regulations, within constitutional limitations, without regard to the Federal Congress or to the legislatures of other States. Territorial governments are under the control of the Congress of the United States.

ORGANIZATION OF THE FEDERAL PRISONS.

United States Penitentiary at Fort Leavenworth, Kansas: Rules and regulations, 1899.

LAW AND ORGANIZATION OF THE INSTITUTION.

Origin of regulations.—These rules and regulations are promulgated by the Attorney-General (under act of March 3, 1891). The warden is ordered to see that they are enforced.

Object of the institution (p. 5).—Used for the confinement of persons convicted in the United States courts of crimes against the United States and sentenced to imprisonment in a penitentiary, or convicted by courts-martial of offenses now punishable by confinement in a penitentiary and sentenced to terms of imprisonment of more than one year.

Governing authority.—(Act of March 3, 1891, § 4.) That the control and management of said prisons be vested in the Attorney-General, who shall have power to appoint a superintendent, assistant superintendent, warden, keeper, and all other officers necessary. He shall also have authority to promulgate such rules for the government of the officials of said prisons and prisoners as he may deem necessary and proper.

Officers of the institution—Warden.—The warden, in the performance of his duties as chief executive officer of the United States Penitentiary, shall be guided by the law and by such rules and orders as may be promulgated by the Attorney-General of the United States for the government of the penitentiary.

The orders of the warden shall be cheerfully and implicitly obeyed by all subordinate officers under his charge, and he shall have power to suspend, and, for flagrant violation of orders or failure in the performance of duty, he may dismiss subordinates, subject to the approval of the Attorney-General.

It is the duty of the warden to see that all rules and regulations pertaining to all departments of the penitentiary are firmly and impartially enforced.

The deputy warden.—The deputy warden is the assistant and agent of the warden in the general government and management of the penitentiary, more particularly in matters of discipline of its officers and prisoners. He shall attend daily at the penitentiary from the hour of unlocking in the morning until after the prisoners shall have been locked up at night.

In the absence of the warden from the penitentiary the deputy warden shall perform his duties, and shall not leave the penitentiary until the warden returns. He shall not be absent from the penitentiary premises at any time during the day, when the prisoners are out of their cells, without first obtaining leave from the warden. He shall visit the penitentiary occasionally during the night by surprise, and personally ascertain that the prisoners are all secure, and that the officers are on duty and alert. Under the orders of the warden he shall have special control and direction of the guards, foremen, and other employees of the penitentiary, and shall be responsible that every one performs his respective duties with intelligence, fidelity, and zeal. And it shall be his duty to report to the warden, strictly and promptly, every neglect of duty, impropriety, or misconduct on the part of any officer. He shall report to the warden the name of every officer coming upon duty under the influence of intoxicants or without being in uniform. He shall not grant leave of absence to any officer for a longer period than one day without consulting the warden, except in cases of emergency. He shall enforce obedience to the penitentiary rules and regulations, and to all orders given from time to time by the warden, and shall maintain generally the police and discipline of the penitentiary with the strictest exactness, for which purpose he shall frequently, during the day, at irregular periods and without notice, visit the shops, yard, hospital, kitchen, cells, and other apartments of the penitentiary, and the different places where work is in hand, taking every precaution for the security of the penitentiary and prisoners, seeing that the officers are vigilant and attentive to their duties, and that they keep the prisoners under them diligently employed during their hours of labor. He shall not permit any book, pamphlet, or newspaper to be read by any officer, nor to be in his possession, while on duty in or about the penitentiary.

When a prisoner is received the deputy warden shall see that he is properly bathed, clothed in a penitentiary suit, and duly inspected by the physician and vaccinated. He shall then read and explain to him the rules and regulations for the government of prisoners, give him his privilege tickets, and assign him to duty under the direction of the warden. He shall at short intervals examine the locks, levers, and gratings in and about the entire penitentiary, and see that they are in good condition. He shall exercise due vigilance, to see that there is no embezzlement of the property of the penitentiary, that not only no willful waste, but also no want of economy in the necessary consumption or the use of supplies takes place, without making such known to the warden immediately. He shall consider it his duty to make himself acquainted with the social habits and conduct of every subordinate officer and employee, and particularly whether, when off duty, he is a frequenter of saloons or other houses of similar resort, or associates with idle or loose characters, and report the facts to the warden. He shall see that no material is allowed to be placed near the inclosing walls, and that nothing is accessible to prisoners which can facilitate escape. He shall especially see that ladders are properly secured. He shall have a vigilant eye over every person who may have business about the penitentiary, to see that nothing is carried in or out for a prisoner; and so far as he can, that no communication of any description is attempted by such person with any prisoner, except by authority, and in the presence of an officer. He shall, every evening, before relieving the guards from duty, verify by actual count the written daily count report furnished him from the office.

As the acts of Congress afford to prisoners the privilege of earning diminution of their sentence, it will be incumbent upon all the officers of the penitentiary to give the strictest attention to the conduct and character of every prisoner, his industry, alacrity, and zeal in the execution of his work so that the deputy may be able to advise with the warden as to the recommendations to be made in case of each convict. And for this purpose he shall communicate freely with every officer in charge of prisoners when making his rounds.

The deputy warden shall, under orders of the warden, investigate all reports of offenses committed by prisoners and make disposition of the same. In these investigations the deputy warden shall be careful in endeavoring to arrive at the truth concerning each case. In awarding punishment he shall take into consideration the age, previous conduct, habits, and disposition of the offender, so far as he may be able to ascertain the same; and in the administration of punishment he shall take special care to deprive it of all appearance of personal vindictiveness, even under great provocation, at the same time making it sufficiently severe, without cruelty, to secure the end desired. He shall make daily written report to the warden of all prisoners reported to him, the nature of their offenses, and of all punishments awarded or administered.

The only disciplinary punishments of prisoners allowed to be administered in this penitentiary are: Taking from prisoners one or all of their privilege tickets, reduction in grade, solitary confinement on short rations of bread and water, handcuffing to grated cell door at the height of his breast. Corporal punishment of any kind is prohibited.

Captain of the day watch.—The captain of the day watch shall attend daily at the penitentiary from the hour of unlocking in the morning until after the prisoners have been locked up at night. He shall assist the deputy warden in the discharge of his duties whenever called on by him, and in the absence of the deputy warden from the penitentiary he shall perform all the duties incumbent upon that officer. He shall assist the deputy warden in maintaining and executing the rules of government of the penitentiary, and report to him any violation of the same, by either the officers or prisoners, that may come under his notice. He shall keep, mornings and evenings, the time of officers on duty during the day, and report the same to the clerk on the 1st of each month. He shall attend the daily sick call, accompany prisoners who are to see the physician from the different workshops to the hospital, and ordering them to sick call or on duty, as the physician may direct. He shall have charge of the armory, assigning guards and keepers their arms and accouterments, and seeing that everything belonging to the armory, including the special supply of lanterns, is in good condition and serviceable at a moment's notice. He shall inspect the arms and equipments of the guards at least once a week, and report any officer whose rifle or equipments are not in good order. He shall frequently inspect all the arms and equipments not in daily use and see that they are kept in thorough repair.

Chaplain.—He shall conduct religious services in the penitentiary under such regulations as the warden may prescribe, and attend to the spiritual wants of the prisoners. He shall obtain from each prisoner, when received in the penitentiary, as complete a statement as possible of his religious and educational antecedents and his parental and conjugal relations, and shall make report thereof, on blanks furnished, to the warden. He may visit the prisoners in their cells for the purpose of giving them moral and religious instruction. He shall furnish, at expense of the Government, a Bible to each prisoner who may desire one. He shall not have any intercourse with the prisoners in the shops or while they are at work, nor shall he hold communication with them, except as may be necessary and proper in imparting to them such secular and religious instruction as is required by law and the penitentiary regulations. He shall not furnish the prisoners with any information or intelligence in relation to outside matters, except by permission of the warden. He shall visit daily the sick in the hospital and administer to their spiritual wants.

It shall also be his duty to closely examine all incoming and outgoing mail of prisoners, also all newspapers, parcels, and packages addressed to prisoners, and to admit and permit only such matter as is consistent with the general rules of the penitentiary and requirements made known to him by the warden. He shall keep a record of all letters sent and received by prisoners, and at the end of each month shall furnish the chief clerk with a statement showing the total number of letters sent out by prisoners during the month. He shall account to the chief clerk for all money sent to prisoners by mail. He shall have charge of the library, see that no improper books are placed in possession of the prisoners, and if such books are found, either in the cells or in the possession of prisoners, he shall take away and deliver same to the warden; and for the purpose of the proper discharge of these duties he may visit the cells in the penitentiary, and the books so taken away from prisoners shall not be returned to them without the express order of the warden.

Sectarian doctrines in the matter of religious belief shall not be taught, nor shall any attempt be made, directly or indirectly, to proselyte a prisoner. If any prisoner desires communication with a minister or instructor of his particular faith, on proper application to the warden, it shall be allowed, under and in conformity with the law and the general regulations of the penitentiary; but such minister or instructor, on such occasions, must in all things conform to the rules and regulations for the government of the chaplain, any infringement or departure from which will debar him from future intercourse with the prisoners.

Physician.—He shall attend at all times to the wants of the sick prisoners, whether in the hospital or in their cells, and shall render them all necessary medical service. He shall examine weekly the cells of the prisoners for the purpose of ascertaining whether they are kept in a proper state of cleanliness and ventilation, and report the same weekly to the warden. He shall examine at least once a week, and oftener if he thinks proper, into the quality and condition of the provisions provided for the prisoners, and whenever he shall have reason to believe that any provisions are prejudicial to the health of the prisoners he shall immediately make report thereof to the warden. He shall also have power, and it shall be his duty, to prescribe the diet of the sick prisoners, and his directions in relation thereto shall be followed by the warden and steward. He shall vaccinate every prisoner on his entering the penitentiary, and examine him as to the condition of his heart, lungs, and chest, evidences of previous or present hereditary disease, and keep a record of such examination in a book provided for that purpose. He shall visit the penitentiary every day between the hours of 6 and 10 in the morning. When the state of a sick prisoner requires it, he shall visit at such other hours as he may think the case demands, and if sent for at any time by the warden or deputy warden he shall immediately repair to the penitentiary to the exclusion of all other engagements. He shall keep a daily record of all admissions to the hospital, and the cases treated in the cells or elsewhere, indicating the sex, color, nativity, age, occupation, habits of life, period of entrance to and discharge from the hospital, disease, and the prescription and treatment in each case. He shall have full control over the patients in the hospital, subject to the rules of the penitentiary and instructions of the warden, and shall leave his daily general instructions as to the government, etc., of the patients with the hospital steward.

It shall be the duty of the physician, in case of any prisoner claiming to be unable to labor by reason of sickness, to examine such prisoner, and if in his opinion, upon examination, said prisoner is unable to labor, he shall immediately certify the same to the warden, and such prisoner shall thereupon be released from labor and admitted to the hospital, or placed in his cell or elsewhere for medical treatment, as the physician shall direct, having due regard for the safekeeping of such prisoner, and whenever the physician shall certify to the warden that such prisoner is sufficiently recovered to be able to labor said prisoner shall be required to labor, and not before.

He shall examine carefully every morning all prisoners in punishment in the solitary cells, and shall make written report to the warden of their condition. He shall be particular to report to the warden in writing any prisoner whose health he thinks is suffering or endangered by the punishment he is undergoing, and shall recommend such changes in the diet of prisoners in punishment as he may think necessary. He shall require the hospital steward to make a similar examination every evening between the hours of 4 and 5 o'clock, and make a written report of the same. He shall, whenever in his opinion a prisoner becomes insane, certify that fact to the warden, giving his reasons therefor, and make on blanks furnished him for that purpose a brief statement of the general condition of the patient, together with his recommendation as to what disposition shall be made of him.

When a prisoner dies, the physician shall record the nature of the complaint and all the circumstances connected therewith that he may deem proper and necessary, and report to the warden.

When the physician considers it necessary or when required by the warden to make a post-mortem examination of any prisoner, he shall do so within thirty-six hours after the decease. He shall make written report of his examination to the warden, and of his conclusions as to the cause of death.

He shall make a written report daily to the warden of the attendance at sick call in the morning and of the disposition made of those reported sick; also, of all admissions to and discharges from the hospital, deaths, etc. He shall, whenever requested so to do by the warden, make a careful examination of any prisoner and make a written report of his physical condition. He shall make report monthly to the warden of patients received into the hospital or treated in the cells or elsewhere during the preceding month, stating their respective age, color, disease, occupation in penitentiary, quantity and kinds of medicine administered during the month, the time they have remained in hospital, date of commencement and termination of treatment, and number of days during which such patients, in consequence of sickness, have been relieved from labor; also, of all deaths and cause thereof, transfers to insane hospitals, etc. He shall make a yearly report to the warden, for transmission to the attorney-general, of sanitary condition of the penitentiary for the past year, in which all information in his daily and monthly reports shall be condensed. This report shall also contain lists of prisoners who have died or been certified to be insane during the year.

Hospital steward.—The hospital steward shall be the assistant to and shall act under the immediate direction of the physician. He shall not absent himself from the hospital during the day, except when called by his duties to other parts of the penitentiary, or when relieved by the warden. He shall be responsible for the nurses, orderlies, and other persons employed about the hospital, and shall see that discipline is at all times maintained and the security of the inmates carefully guarded. He shall have charge of the dispensary and the hospital, for the good order and cleanliness of which, and for all its approaches and surroundings, he shall be responsible. He shall have charge of the sick in the hospital, and of the convalescent prisoners, so long as they are receiving advice from the physician, and shall strictly attend to all instructions that may be given him as to their medicine, diet, and treatment. He shall also attend to complaining prisoners, not in hospital, to whom medicine is administered. He shall see that every ward in the hospital is well ventilated; the bedding and clothing cleansed; and changed when necessary; the ceiling, walls, and floors kept clean; and that all impurities of every description are instantly removed. He shall attend the physician in his visits to the sick, make up all the prescriptions, compound all the medicines, and see that they are administered in the form and at the times ordered by the physician.

Should the symptoms of any patient appear to him to become aggravated, he shall at once report to the warden or deputy in order that, if necessary, the physician may be sent for without loss of time. Should he observe the death of a prisoner approaching, he shall at once notify the warden, or deputy, in order that information may be sent to the chaplain.

It shall be his duty to make a tour of the wards of the hospital frequently during the day, and especially he shall do so as his first duty in the morning and the last duty at night.

When a prisoner is received sick from the cell house during the night, the officer on duty shall immediately notify the warden, or deputy, if the case seems to him to be urgent.

No alcoholic or intoxicating liquors shall be issued to any employee or prisoner under any circumstances, except upon the written order of the warden or the written prescription of the physician.

Chief clerk.—He shall be the warden's accountant and his assistant and agent in matters of the accounts and fiscal affairs of the penitentiary, and shall, as such, be responsible for the safe-keeping and orderly arrangement of all the accounts, vouchers, bills, and other documents of every kind confided to him.

It shall be the duty of the chief clerk to keep a complete and systematic set of books, which shall show the amount of money under the several appropriations that has been advanced the warden by the treasury department for the maintenance of the prisoners in the penitentiary, and the expenditures incurred on account of the institution. He shall also keep a regular account with all contractors furnishing supplies to the penitentiary, and of all purchases of whatever kind and description made by the warden. His accounts shall be prepared monthly and in the hands of the warden for transmission to the attorney-general on or before the tenth day of each succeeding month. He shall make to the warden a detailed financial report at the end of each fiscal year, and from time to time furnish him, as required, with such other statements and exhibits as the warden may direct. He shall assist the warden in making such statements and exhibits as are by law, and under the instructions of the attorney-general, required of the warden. He shall keep convict-money journal and ledger accounting, individually, for money deposited by and paid to prisoners. He shall give individual receipts to all prisoners from or for whom he has received money or other articles of value. He shall not pay out any money received from prisoners or deliver any valuables so received except upon written order of the warden. He shall also keep a consolidated check roll, an abstract from all the time check rolls of the penitentiary, which, in their aggregate, are daily to correspond with the evening's count.

Bookkeeper and record clerk.—He shall have charge, under the supervision and immediate direction of the warden, of the following books and records: The warden's record of official orders, the convict register and complete index thereto, the discharge register and records, the record of statistics, punishment record, book of daily counts, the commitments of all prisoners received, and all papers bearing upon their cases.

He shall take the measurements and photograph of every incoming prisoner as soon as practicable after his arrival, preserve and take care of the negatives, and keep the respective photographs and measurements in orderly arrangement in a case provided for that purpose. He shall, on the blanks furnished him, take a detailed personal description of every incoming prisoner, and also take his written consent to the examination of his incoming and outgoing mail by the warden or an officer authorized by him. He shall, at the end of every month, make from the discharge register a complete list of all prisoners to be released during the succeeding month by expiration of sentence, and furnish a copy of this list to all officers whose business it is to be acquainted with it. He shall keep such miscellaneous records and other records as the warden may direct, rendering a report at the close of the fiscal year, with such statistical information as is required, and shall perform such other clerical duties as the warden may require.

Penitentiary steward.—The penitentiary steward is the commissary officer of the prison. He shall keep a neat and complete set of commissary books of receipt and issue, and shall make to the warden a daily report of the quantity and value of each kind of food issued, the gross value, the number of convicts fed, the average cost per man per day, and the bill of fare for each of the three meals. He shall furnish the warden, in due time, an estimate for the quarterly subsistence of the convicts. He shall keep a watchful eye on all departments of the commissary, guarding against waste and extravagance, and shall be responsible for the cleanliness of the kitchen and dining rooms and subsistence stores and cooking. He shall see that each convict gets a sufficiency of such food as may be prescribed by the warden. He shall carefully check all deliveries of subsistence, and see that in quality they are equal to the sample, and in quantity equal to the amount of the purchase, making proper report to the chief clerk. He shall have control of the dining room, and shall report to the deputy warden any inattention of attendants or disorder of convicts. Perfect discipline must be maintained in the dining room during meal hours and at all times by the convicts employed in the kitchen, dining room, and all departments under the steward's charge. The steward shall carefully watch every department under his charge and promptly report to the warden anything he may detect detrimental to the safety and welfare of the penitentiary. He shall take special care that the utmost cleanliness prevails in the kitchen, the cellars, and in every chamber or vessel in which provisions are kept or from which they are eaten. He shall daily attend upon and see to the cooking and serving of the provisions for the prisoners, to the end that no improper food is used, that it is cooked in a proper and cleanly manner, served in clean and wholesome vessels, and equally and honestly distributed to the prisoners.

Storekeeper.—He shall be the custodian and keeper of all supplies purchased for the use of the penitentiary by the warden or his agent. He shall personally receive, check from bills of particulars, and inspect all goods delivered to him, and report deficiencies in quantity and quality of the same to the chief clerk and also to the warden, who will decide as to their receipt or rejection. He will have charge of issuing supplies to the different departments on requisitions approved by the warden, and shall not issue anything without having the warden's requisitions therefor, and without making a memorandum bill on manifold bill book, taking and filing receipts in all cases. He shall, under the direction and supervision of the chief clerk, keep accurate accounts of all transactions in the store and of all receipts and issues, and shall, at the end of each month, or more frequently if called upon, report such transactions, receipts, and issues, in detail, to the chief clerk. He shall, every three months, take inventory of all property in the store, and give a transcript of the same to the chief clerk.

Engineer.—He shall have charge, under the warden, of all boilers and engines belonging to the penitentiary, and of machinery and fixtures employed for the service of the prison. He shall have charge of the water-supply system for the penitentiary, shall be responsible for the condition of the necessary pipes, pumps, and other appliances, and for any unnecessary waste of water. He shall have supervision of the entire steam apparatus for the heating, cooking, ventilating, and mechanical purposes of the penitentiary, and shall see that the same is kept in good condition. He shall have supervision of the sewer system of the penitentiary and direct the construction and repairs of the same. He shall have charge of the fire department, take care of the engines, and test their efficiency from time to time, and see that the fire buckets, grenades, etc., placed in different stations around the penitentiary, are serviceable and in good condition. He shall see that all machinery, tools, implements, stock, or other effects necessary for carrying on the above-mentioned duties and industries are properly used, taken care of, and accounted for.

Guards.—The guards are the agents of the warden in enforcing the police and discipline of the penitentiary, and in carrying into effect the laws for the government thereof.

It shall be the duty of the guards to attend at the penitentiary at the opening thereof, and not absent themselves therefrom, on any pretext or excuse, during prison hours, except by permission of the warden or deputy warden. They shall supply themselves with the prescribed uniform, which shall be constantly worn while on duty. They shall constantly observe the utmost cleanliness in dress, person, and habits.

While within the prison the guards shall refrain from whistling, scuffling, immoderate laughter, boisterous conversation, exciting discussions on politics, religion, or other subjects, provoking witticisms or sarcasm, and all other acts calculated to disturb the harmony and good order of the penitentiary. In their intercourse among themselves the officers and guards of the penitentiary are at all times to treat each other with that mutual respect and kindness that becomes gentlemen and friends, and are required to avoid all collisions, jealousies, separate and party views and interests among themselves, and are strictly forbidden to treat each other with disrespect, or to use any ungentlemanly epithets. .They shall not, while on duty, hold conversation with each other, nor with the foreman, except such as may be necessary in the discharge of their duties. Neither shall they be engaged, while on duty, in reading or writing, other than making necessary entries, or in any other employment calculated to interfere with constant care and vigilance. They shall not under any circumstances allow prisoners to speak to them upon any subject not immediately connected with their duty, employments, or wants. They shall keep the prisoners under their charge diligently at work at the several occupations at which they are employed, and shall make report of the attendance at work, also of all time lost by reason of sickness, punishment, or otherwise, as instructed from time to time by the warden or deputy. They shall not permit prisoners to hold conversation with each other, except as directed by special order of the warden, or with any person whatever, except those allowed by law, or to communicate with each other by signs or signals, except in connection with their work. They shall require the greatest possible cleanliness in the prisoners, their persons and clothing, and in their working and sleeping apartments. They shall instruct the prisoners in all the rules of the penitentiary necessary for their government, and admonish them on the least appearance of insubordination. In all their intercourse with prisoners they shall be careful to maintain a quiet demeanor, under any provocation, recollecting that the prisoner, however disposed to be violent or abusive, is entirely in their power.

They shall not punish a prisoner, nor strike him, except in self-defense, or to quell an insurrection; nor shall they use any profane or indecorous language to prisoners or in their presence, but shall uniformly treat them in a kind and humane manner. Whenever a prisoner is guilty of an infraction of prison disciplinary rules the guard shall at once report the fact in writing to the deputy, stating the nature of the offense, and keeping a copy of such report on the stub of the blank book furnished him for that purpose. Discipline is the first and highest consideration in a prison and must be maintained at all hazards, but that officer who maintains it with the lowest number of punishments, deserves the highest commendation. If a prisoner desires to make any complaint to or have an audience with the warden the guard shall receive his application and report it in writing to the warden's office, keeping on the corresponding stub of the blank book furnished for that purpose a copy of such report. If a prisoner is taken sick or injured during the day the guard shall at once report the fact to the deputy or the captain of the day watch. It shall be the duty of guards to keep constant watch over prisoners at work to see that while pretending to be engaged on the work given them to do they are not in reality doing something else. Guards shall not allow prisoners to leave their work without permission nor to speak to nor gaze at visitors. The duties of guards should be understood as separate and distinct from those of foremen, and the guards will not interfere with or attempt to instruct the prisoners in the manner in which they shall work, or on what particular part they shall labor, or what amount they shall perform; but they shall listen to all reports the foremen may desire to make and dispose of the cases as instructed. In forming their opinions with respect to the industry of a prisoner officers will bear in mind that as one prisoner may be able to do more work in a given time than another, so their reports on this head will have regard more to the continuous labor of the prisoner, the care bestowed upon it and the evidence of his desire to do all he can, than the absolute quantity he does, as compared with others. An amount of work which may thus be sufficient for one man may be quite insufficient for another, and the officer's report will be made accordingly.

Guards shall receive applications from prisoners to send or transfer money to friends or for subscriptions to newspapers, etc., and shall send same to chief clerk. Transfers of money from one prisoner to another must be approved by the warden or deputy. No officer, guard, or foreman shall receive from or deliver to a prisoner any article or thing whatever without knowledge or consent of the warden or deputy.

When a prisoner is sent from one part of the penitentiary to another the officer sending him shall give him a pass stating the place from which, and the place to which, or person to whom he is sent. Care shall be taken that the pass is delivered up by the prisoner, and that he is not too long away.

When a prisoner is obliged to retire for necessary purposes, the officer in charge shall take care that the place is so conspicuous that the prisoner can not leave it without being fully seen, that only one person is permitted in the place at a time, and that he is absent for a reasonable time only. Any delay in such cases should arouse suspicion at once, and the officer must make certain that all is right.

No officer shall take the statement of one prisoner against another on which to make a report for punishment, respecting the prisoner complained of, but shall report the facts, nevertheless, to the warden or deputy. If a prisoner makes complaint to any officer of any order given him or of any action toward him, by which he considers himself aggrieved, it shall be the duty of the officer to inform the warden thereof, at the earliest moment convenient thereafter, and the warden will act in the matter as he may think reason and justice may require, but the officer shall in the meantime see that the prisoner obeys the order given him.

As soon as the prisoners are locked up at night each guard having charge of a division shall report immediately to the deputy warden the number he has locked up or has in charge, at the same time turning over the cell door keys to the proper officer.

If a guard is absent without leave at roll call, he must at once report the cause of his absence to the deputy warden, who is directed to keep a careful and correct written record of all delinquencies in the guard force. For absence without leave a guard may be suspended, and if the offense is repeated he may be dismissed from the force. A guard desiring leave of absence must apply to the deputy warden one day in advance.

Guards are forbidden to frequent saloons and gambling houses when off duty, and must never enter the penitentiary while in the slightest degree under the influence of liquor. The violation of this latter rule will be cause for dismissal. When off duty guards must not discuss the penitentiary, or its officers, or become a source of information to inquiries pertaining thereto. Requests or grievances by guards should be presented to the deputy warden. Smoking will not be allowed inside the penitentiary walls, except when in the guards' quarters while off duty, or in the guards' room. This rule applies strictly to all employees and must be observed. When on duty guards will not be allowed any reading matter whatever, except what may be permitted to night guards by special written permission of the warden. No other guard must be found with reading matter in his hands during the hours of duty.

When going out with prisoners in charge, guards will be sure that their firearms are in perfect order, and that they have the proper amount of ammunition. When marching prisoners, guards, if armed with shotguns, will carry them at a right shoulder. When posted over prisoners on the ground, they will carry the gun on either shoulder with its muzzle elevated, or under either arm with the muzzle pointed to the ground. If armed with pistols, they will carry them in their right hands pointing toward the ground. They will not let the prisoners come closer than five paces, or go more than twenty paces from them, and will at all times face the prisoners, gun or pistol in hand ready for action. For violation of this rule, guards may be dismissed from the force.

Cell-house guards will see that the utmost cleanliness prevails in the cells and corridors, that the houses are thoroughly ventilated and warmed when necessary, that the cells are regularly supplied with drinking water, and the regular issues of tobacco, soap, and other supplies are properly and impartially made. They shall also carefully and promptly deliver all letters, newspapers, etc., handed over to them by the chaplain with his "permit" to their respective addresses. They are not permitted to examine or inspect either outgoing or incoming convict mail. They shall from time to time examine the cell doors and gratings and see that they are in good and secure condition; they shall also occasionally examine and search cells and report the presence of any contraband articles to the warden or deputy.

Gate guard.—The gate guard shall be sure that his firearms are in order, and that he has not less than one dozen rounds of ammunition. He shall not be allowed to read while on duty or to have any reading matter in or about his box. Newspapers must not be handed to him or left in his care. He must not leave his post of duty except he be relieved by order of the captain of the watch. He may guard the gate from his box with his gun on the shelf in front of him, or he may guard by patroling back and forth in the gateway. He shall allow no person to stand or congregate in the gateway so as to obstruct his line vision. He shall require all red-numbered prisoners, approaching him in the yard, to halt, and signal with the hand for permission to approach. He shall search all prisoners passing out and in through the gate, if he has any reason to suspect they have contraband articles concealed about them.

He shall direct persons seeking admission to the penitentiary to the captain's office without further conversation, unless he suspects they are improper persons to enter the penitentiary, when he may call the captain to the gate. He shall inspect all vehicles going in and coming out of the penitentiary and carefully guard against escape by concealment in such vehicles. Vehicles not used in the conduct of the penitentiary shall not be allowed to enter the prison without a guard attendant, except by special instruction of the warden or deputy warden. He shall be held responsible and see that no prisoner passes out other than those directed to do so by the warden or deputy warden under the rules governing the institution. The gate guard is in a position to be especially watchful over the interests of the penitentiary. It is his duty to promptly report to the warden or deputy warden anything he may discover threatening the security or peace of the institution.

Wall guards.—Wall guards shall keep their firearms in perfect order and keep in their towers not less than twenty-four rounds of ammunition. They shall keep a strict watch, and each wall guard will be held responsible for any escape over the part of the wall under his observation while on duty. No reading matter of any kind will be permitted in the towers; and the guard while on duty must speak to no one unless it be necessary and on business pertaining to the penitentiary. While patroling on the wall the guard must carry his gun. If for any reason the wall guard can not at any time see clearly all that part of the wall under his supervision, he shall at once ring his signal bell and so inform the captain of the watch. Wall guards are warned to be especially vigilant at early and late hours, during dark and foggy days, and at all times when the convicts are unlocked and upon the yard. If convicts approach the wall in an unwarranted way the guard shall warn them away, and if an effort is made to escape it will be the duty of the guard to fire.

Captain of night watch and night guards.—The night force shall go on duty at the sound of the evening whistle or bell and remain on duty until the signal is given in the morning for unlocking the cells of prisoners. The captain shall be held responsible for the security of the prison and see that good order is maintained during the night. He shall make report to the warden in the morning of any unusual occurrence or any violation of the rules and regulations of the penitentiary that may have taken place during the night. It shall be his duty to call the warden at any hour during the night that he may regard his presence necessary. It shall be his duty to make a thorough inspection of the penitentiary during the night often enough to personally convince himself of the watchfulness of his subordinates in the different parts of the prison. He shall require of all officers or citizens who shall work inside of the walls at night a strict compliance with all the rules that prevail in the daytime, and has authority to eject any citizen who does not strictly conform to them.

He shall not under any circumstances leave the penitentiary during his time of duty or until properly relieved without the consent of the warden.

It shall be the duty of the night guards having charge of the cell houses to be moving around the cells with "sneak shoes" on in a silent manner, that they may be able to detect any unnecessary noise, and it is strictly enjoined upon them not to hold conversation with the prisoners or to suffer the prisoners to speak to them, except to make known immediate wants; they must use their utmost exertions to suppress noise of any kind and report to the captain of the night watch any violations of the rules and regulations of the penitentiary by the prisoners while in their cells.

The night officer in charge of the solitary shall closely follow the instructions of the warden and deputy in regard to inmates of punishment cells, and shall every morning make written report to the warden of the number of prisoners in solitary and their condition during the night, noting every unusual occurrence coming under his observation.

The night guard in the hospital shall observe the rules governing the hospital steward in regard to inmates of the hospital and attend conscientiously to the wants of the sick.

The night fire watch shall make his regular rounds in the penitentiary at short intervals in such a way as the warden or captain of the night watch from time to time may direct.

Foremen.—Foremen shall be present and ready to unlock shops ten minutes before work bell. They shall hold no intercourse with any prisoners other than those employed or superintended by them, nor upon any subject whatever other than the business carried on by them. They shall remain at their respective posts until the convicts under their charge are called to supper, giving their entire time and attention to the work in hand. Smoking or reading during working hours is strictly forbidden. They will be relieved from duty during the noon hour. Smoking in the shops is forbidden at all times. Foremen shall see that men under their charge labor faithfully and diligently, and they will report to the deputy warden the names of convicts who fail in this respect.

When prisoners willfully fail to carry out the instructions of a foreman, or use threatening, defiant, or impudent language, or commit any other act endangering the peace and good discipline of the institution, it shall be the duty of the foreman to immediately report the same to the guard in charge.

Foremen shall make requisition on the warden for such material and tools as may be needed in their respective departments, and they will be held responsible for the use of the tools and the expenditure of material.

ORGANIZATIONS OF THE PRISON SYSTEMS IN THE SEVERAL STATES OF THE UNION.

It is not easy to present the essential features of the methods of central direction and control in so many independent Commonwealths.[a] The legal foundation for all these organizations for administration is found in the constitutions and statutes of the States and in the acts of Congress relating to Territories.

The chief objects of the laws and regulations of a State are: (1) To guarantee the execution of the law and the decrees of courts having jurisdiction in criminal cases; (2) to protect the economic interests of the public treasury and of private business; (3) to furnish to the public such information as is necessary among a people where all political institutions rest on universal manhood suffrage and where humane and enlightened citizens desire to influence administration. Whatever may be true in other countries, it is commonly believed in the United States that it is neither safe nor wise to commit absolute and irresponsible power to officials; that the light of science, of the press, and of social conscience should play freely about the actions of administrators of law; that secrecy and darkness invite cruelty, neglect, dishonesty, and dull routine. These three purposes—prompt and efficient administration, regard for general economic interests, and social cooperation with officials—are not easily reconciled in one system, and each demands special organs for expression. Thus we can explain the somewhat heated controversy which is now being waged in the United States over the problems of central State direction and control of penal and charitable institutions.[b] The parties in this controversy will come to agreement more readily when they see, as many do already, that the organs which secure excellent administration are not ordinarily so well adapted to foster social cooperation nor safeguard economic interests. Here the attempt will be made simply to outline and characterize the essential features of the various administrative devices actually employed in the several States of the Union.

While an effort has been made to bring up the statements to date, it is probable that recent legislation has in some instances modified the methods of some of the States.

The regulations of actual administration may come from one or all of the legislative, judicial, and executive branches of State government. Examples of all these methods will be cited in these notes. The administrative department of state is gradually becoming a highly specialized division of the executive branch of the government of Commonwealths. While all States have essentially the same divisions of functions, they vary greatly in the degree of specialization and differentiation of organs and functions. No system of classification can be entirely satisfactory, and no two States have precisely the same methods. A provisional arrangement is adopted here with the purpose of calling attention to the stages of this development of specialization.

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[a] A convenient and reliable treatise which will furnish the information necessary is Comparative Administrative Law, by Prof. F. J. Goodnow. I take pleasure in acknowledging here the assistance rendered me by my students, Messrs. F. G. Cressey, L. P. Valentine, and Jacob Billikopf, in the compilation of the statutory provisions of the States.—C. R. H.

[b] See my paper in Annals of the American Academy of Political and Social Science, May, 1903.

Legislative regulations.—Usually the statute goes no further than the organization of the system, provision for institutions and the more important officials, and the establishment of general regulative principles. Recently some legislatures have sought to restrict the industrial operations of the penal institutions under the pressure of business interests and trade unions struggling to prevent the reduction of wages. Legislatures sometimes send out committees to investigate penal and reformatory institutions when they happen to be in session and when scandals have demanded action. But such spasmodic methods are of slight value in directing and correcting the ordinary workings of a complicated system of administration.

Judicial regulations.—Examples of judicial activity may be found in most of the States. Attention is called to the very common fact that the local prisons (jails) are quite generally under the inspection and care of the courts and grand juries. The fact that these prisons are notoriously and generally in a disgraceful condition, and remain in this condition in spite of long-continued criticism, seems to justify a serious doubt as to the wisdom and value of this method of control.

Executive control, especially by the governors and their councils.—The fundamental agency in all Commonwealths for the work of administration is the office of the governor. When the population is small and public business is insignificant this primitive division of labor answers the purpose. But most of our States have long since outgrown this plan and begun, without much order or system, to develop regular, constant, and adequate agents of administration, the most recent of which are the "boards of control" found in several States or the still more highly specialized prison commissions of New York and Massachusetts.

Direct executive supervision.—States with local boards, without central boards of supervision are: Maine, Vermont, North Dakota.

MAINE.

PRISONS.

[R. V. S., chap. 140, 1895.]

The governor and council have supervision of the State prison.

The government and direction of the prison is vested in a board of 3 prison and jail inspectors, 1 warden, 1 deputy warden, 1 person who shall perform the duties of clerk and commissary, and such number of overseers, not exceeding 10, as the inspectors determine necessary.

The inspectors and warden are appointed by the governor, with the advice and consent of the council, and can hold office during the pleasure of the executive, but not more than four years under one appointment.

The warden appoints the other officers subject to the approval of the inspectors. The inspectors have the power of removal of such officers and to appoint others. In case inspectors will not remove an officer who the warden thinks should be removed he can appeal to governor and council, who may make such removal and appoint a suitable person.

Meetings.—Inspectors shall meet at least once in three months and report each meeting to the governor. They shall make an annual report on work and estimates of the needs of the prison.

They shall examine into the needs and conduct of prisoners and make all necessary rules for the prison consistent with law, which must be approved by governor and legislature. The warden enforces these rules.

Separate inspection.—The governor shall annually appoint one of the council a committee who shall, as often as the governor and council direct, visit the prison, make a thorough examination of all its work, and report to them.

Salary.—Inspectors receive $3 a day and necessary expenses. The committee of the council $2 a day and 10 cents per mile to and from Augusta for travel.

Jails are kept by the sheriff, under direction of county commissioners, who annually examine the same. Separate cells are to be provided for debtors and criminals and minors and prisoners for first offense apart from old offenders. When the jail is insecure, a justice of supreme court may order transfer of prisoners.

"The inspectors of the State prison shall visit the jails at least once in every three months and inquire into the management and conduct of the same, give such advice in relation thereto as they regard useful and proper, classify all convicts in said jails, having regard to age, character, and offenses, and for that purpose may order the county commissioners of either of the counties to make such alteration in their several jails as the inspectors deem necessary in order to classify the convicts therein, and persons charged with crime, and if said commissioners, after such order, neglect or refuse to make such alteration or to provide for the classification of convicts and persons charged with crime, the inspectors can take matters into their own hands and remove to other jails at the expense of the county from which prisoners are taken.

"They can require each jailer to keep statistics for future reference. They can transfer prisoners to work jails or from one work jail to another in case of overcrowding. * * * The inspectors shall make a report of the conditions of all the prisoners to the governor and council by the 30th day of November annually." (R. V. S., Chap. 140, Sec. 12.)

In addition to jails there is a system of county and town houses of correction; the former under the supervision of the county commissioners, and the town house of correction under a board of overseers for the custody and reform of lesser offenders.

VERMONT.

[From Statutes of 1894.]

STATE PRISON.

§ 5171. The governor, with consent of senate, appoints a board of three directors, who shall have charge of the State prison and of the house of correction; they hold office four years.

§ 5176. The governor and lieutenant-governor shall be *ex officio* members of the board.

§ 5184. One director shall visit the penitentiary every three months and the full board every six months for thorough inspection of place and instructions to superintendent.

§ 5187. The board makes biennial report to governor.

§ 5190. The superintendent of penitentiary is appointed biennially by the governor and may be removed by him, and is under the control of the board.

§ 5196. The superintendent makes a biennial report to the legislature.

A board of prison commissioners was established in 1898, consisting of the chief justice of supreme court, lieutenant-governor, and the directors of the state prison. Their province covers pardons, paroles, and transfers between prison and house of correction. (See Proceedings National Conference of Charities and Correction, 1899, p. 102.)

§ 5197. The superintendent submits a monthly estimate of expense to the board, who, upon approval, submit the same to the State auditor for a warrant upon the treasurer.

§ 5202. He appoints all assistants.

The house of correction is under the same control, each of the foregoing sections applying to it. This establishment is for the confinement of persons convicted of minor offenses, and may also be used (§ 5214), at the discretion of the court, for the confinement of persons convicted of State-prison offenses.

The Industrial School (§ 5219) for boys under 15 and girls under 16 (§ 5177) is under the charge of 3 trustees, appointed by the governor, with the consent of the Senate, for six years. (§ 5181) The chairman of the board, who is named by the governor, may be removed by him at his pleasure, (§ 5182) must visit the school at least once a month, and (§ 5184) the full board once a quarter. (§ 5187) They make a biennial report to governor. (§ 5191) The superintendent is biennially appointed by the board, and may be removed by them. (§ 5196) He makes a biennial report to the legislature.

County jails.—The expense of the building and repairs shall be paid by the county (§ 5278); (§ 5279) the expense for fuel is paid by the State.

Repairs or additions are to be made by the sheriff under the direction of one or more of the judges of the county court (§ 5282); (§ 5283) the sheriff has general charge, but there is no provision for reports or inspection.

Administrative boards, local.—Slight executive control: North Dakota, Kansas, California.

NORTH DAKOTA.

[See Revised Code of North Dakota, ch. 10, arts. 5–8, and ch. 17, art 3, 1899.]

The charitable and penal institutions of North Dakota are under the control of local boards of trustees, five for each institution, serving for a term of four years each, and appointed by the governor of the State, with the consent of the senate. Each board has the full management of the institution under its direction. They receive a per diem compensation of $3 and necessary expenses. They report to the governor and legislature.

There is no board of charities and corrections in the State.

[See Revised Codes, ch. 18, 1899.]

Jails are kept by the sheriff. Judges of district courts prescribe rules. Inspection is by county commissioners at least once a year. The grand jury at each session of the court shall inspect the jail, by order of the court, and it shall be imperative on the county commissioners to issue such orders or make such repairs as the grand jury shall recommend.

There is provision in construction not only for separation of sexes but also for separation of prisoners not criminals and if possible juvenile offenders from felons and hardened criminals.

KANSAS.

[Digest of the laws of Kansas respecting penal and reformatory institutions, from the General Statutes, revision of 1901.]

While Kansas has a central State board of control for its charitable institutions, it has local boards for its reformatory institutions, with a tendency to consolidation.

The State board of trustees of charities and correction (created by the State legislature in 1873) consists of five persons appointed by the governor for four years. It directs and controls the State hospitals (for insane), the schools for feeble-minded, blind, and deaf, soldiers' orphans' home, and the two industrial schools for boys and girls. The board reports biennially to the governor.

The State penitentiary is under the care of three directors, appointed by the governor for three years. (Ch. 99, art. 28, § 7028, p. 1420.)

The warden is appointed by the governor for four years. The warden appoints the deputy and assistant keepers, who serve at the pleasure of the directors, who themselves appoint the clerk, physician, and chaplain. The directors meet once a month at the penitentiary and exercise a general oversight, receiving $400 a year. They make a biennial report to the governor. All transactions on account of the penitentiary shall be conducted by the warden, under the general oversight of the directors; all contracts must be approved by them.

The State reformatory (for males between 16 and 25 on first offense) is conducted by a board of three managers appointed by the governor for four-year terms. (Ch. 99, art. 29, §§ 7093, 7094, p. 1434.) They report biennially to the governor. They appoint the superintendent and he appoints other officers and employees with their consent.

The industrial schools for boys and for girls, each under 16, are under the direction and control of the State board of trustees of charities and correction.

County jails.—Jails must be inspected during each term of the district or criminal court by the judge thereof, who shall report to the county commissioners. Each grand jury must do likewise and the commissioners must heed their recommendations.

CALIFORNIA.

[Pomeroy's Penal Code of California, 1901, and Supplement to Pomeroy's Code, 1902, this supplement being necessitated by a decision of supreme court of State adverse to changes made in 1901 by code commissioners.]

The State prisons (there are two) are under the charge, control, and superintendence of a board of directors consisting of the governor, lieutenant-governor, and secretary of state. Compensation is $75 per month (for expenses), in addition to which the lieutenant-governor receives $10 per day for any service "performed at the prison."

The board provides rules for government of prisons, appoints warden and all officers, and makes a full report to the governor biennially before sessions of legislature.

The expenses and salaries must be audited and allowed by a board of examiners of State prison accounts, consisting of the attorney-general, treasurer, and comptroller.

County jails (*Penal Code*, §§ *1597–1615*).—These regulations put jails in charge of the sheriff. The county supervisors may compel convicted prisoners "to perform labor on public ways and works of the county," and (§ 923) the grand jury "must inquire into the condition and management of the public prisons within the county," (§ 924) to which they may have "free access at all reasonable times."

A State board of charities was established by act of legislature in 1903.

STATE WITH CENTRAL BOARDS OF SUPERVISION.

In States having this type of central boards the governor remains the chief of all administrative departments, and local boards, judges, and officials are assigned spheres of responsible activity. The State board of supervision acts as a medium of social cooperation, with little or no powers of control. They influence the administration through publicity and advice. Examples are New Hampshire, Connecticut, Michigan, Ohio, Indiana, Illinois, North Carolina, Missouri, Tennessee, Colorado, Pennsylvania.

NEW HAMPSHIRE.

[Public Statutes, 1901, p. 278.]

The State board of charities (date of law, 1895, chap. 116), consisting of five persons, appointed by the governor and council for five years, * * * shall inspect all State and county charitable or correctional institutions, except the State prison and the insane asylum at Concord, making a biennial report to the governor and council and legislature; and shall also recommend to the county commissioners, or such other county or State officers as have the management of such institutions, the changes, if any, that it finds should be made.

The State prison (p. 849, chap. 285) is under the general management of a warden appointed by the governor, with the advice of the council, for one year.

He in like manner appoints and may remove all officers and servants.

The governor and council (consisting of five members, elected biennially, one from each of five "councillor districts," * * * "for advising the governor in the executive part of the government") inspect the prison annually or oftener.

The warden makes annual reports to the governor and council, and these are laid before the legislature (p. 850).

Industrial school (p. 844, chap. 284) for juvenile offenders under 17 years of age (p. 546) is under the charge of a board of 7 members appointed by the governor and council for four years.

They appoint the superintendent and all officers or servants, fixing their compensation, subject to the approval of the governor and council.

One or more trustees visit the school every two weeks, and once a quarter a majority must make a thorough examination and make a report.

The superintendent files an annual report with the secretary of state.

County jails (p. 840, chap. 282).—The sheriff has custody, under the inspection of county commissioners.

If the jail is temporarily uninhabitable, the supreme court, or any two justices thereof in vacation, may order the removal of the prisoners to temporary quarters.

CONNECTICUT.

THE PENAL AND REFORMATORY INSTITUTIONS.

[From General Statutes, Revision of 1902.]

The State prison is located at Wethersfield. The control is by seven directors, who are appointed for four years, biennially, by the governor; the board must be "as far as practicable nonpartisan." The warden, chaplain, and physician are appointed by them, and also all subordinate officers on the nomination of warden.

County jails are under the custody of sheriff, as jailer *ex officio*. Employment of prisoners (§ 2933) may be required by county commissioners, who are required to visit jail at least once a month, examine management and audit accounts.

Workhouses may be established by any town, and are under the control (§ 2961) of selectmen, who appoint a master. Commitment may be (§ 2974) to common jail or to county workhouse.

The State board of charities is composed of five members, of whom two are women, appointed biennially for four years.

Duties: May inspect all almshouses, homes for neglected or dependent children, asylums, hospitals, and all institutions for the care or support of the dependent or criminal classes; may recommend and visit homes for children. Quarterly visits (§ 2862) shall be made to State prison, school for boys, industrial school for girls, and State insane asylum without previous notice and by at least one person of each sex. At every such visit an opportunity shall be offered to each inmate for private conversation with some member of the board.

An appropriation (§ 2866) of $4,000 is made for expenses, including salary of secretary, which is $1,500. The governor may remove any member of the board for cause.

A State school for boys is located at Meriden. Boys under 16 years of age of delinquent class are sent here; none under 10 years, except upon conviction of State prison offense. The term is to age of 21 years unless discharged or apprenticed. Boys so apprenticed or placed in homes (§ 2831) shall be visited by an agent at least once every six months. The agent shall be under the direction of the trustees, of whom 12 are appointed by the governor, 6 biennially for four-year terms. Among their duties is the provision of instruction in religion, morality, and useful knowledge. They appoint the superintendent and other officers whom they may remove for cause. The State pays monthly $3 a week for the support of each boy. There are no other financial regulations except that the trustees (§ 2819) determine the compensation of the superintendent and other officers.

Industrial school for girls.—Girls from 8 to 16 of delinquent class are inmates. The term is to 21 years of age. Placing out and apprenticing are provided for. The organization is like a school district, the directors being the school committee for that district. The cost is not to exceed $3 per week for the care of each inmate.

MICHIGAN.

[Based on Compiled Laws of Michigan, 1897.]

State board of charities and correction (date of law, 1879).—This board (§ 2250) is composed of four members appointed by the governor, with consent of senate, for eight years; and it has secretary of its own selection. (§ 2252) They are to visit, at least annually, each county jail, reform school, house of correction, and State prison for the purpose of ascertaining the actual conditions of property and inmates and conduct of officers. (§ 2255) A biennial report is made to the governor.

State prisons (2) and house of correction (at Ionia) (date of law, 1883).—(§ 2081) The government of these prisoners is vested in a board of control for each of three members appointed by the governor, with consent of senate, for six years. The governor is *ex officio* a member of each board. (§ 2084) The board appoints the warden and he appoints the other officers. The board makes biennial reports to the governor. A joint session of three boards is held semiannually to consult as to productive labor in each institution.

The boards (separately) audit bills and accounts and send to the State auditor, who draws warrant on the State treasurer, and also makes a statement of each warden's account to the legislature.

The Detroit House of Correction is controlled by inspectors appointed by the city council on nomination of the mayor. The superintendent makes an annual report to the governor.

Industrial school for boys.—Supervision and management are vested in three trustees, appointed by the governor with consent of senate, for six years. (§ 2203) They "shall exercise full and absolute control." Biennial report is made to governor and by him sent to the legislature. Expenses of trustees are audited by board of State auditors.

Industrial home for girls.—Under similar regulations, save that one of the trustees must be a woman. (§§ 2218–2221.)

County jails.—All plans for buildings must be submitted to State board of charities and correction for examination and opinion before adoption, but their approval is not required. (§ 2454) Sheriffs are in charge. In each county the probate judge, the county agent of the State board of charities and correction, and the county superintendent of the poor constitute the board of jail inspectors, with the judge as chairman. They make detailed examination of the conduct of the prison, condition of prisoners and building, sending report to State board of charities and correction, and also to county supervisors.

Each sheriff keeps a carefully detailed record of the management of the jail and the condition of the prisoners (including "record" and social condition), in uniform books provided by the secretary of state. On this basis he makes a thorough report annually to the secretary of state, and gives a copy to the county clerk for use of county supervisors. The secretary of state annually gives the governor abstracts of all such reports.

OHIO.

[Annotated Revised Statutes 1900, sec. 655.]

Board of State charities (law put in force 1880).—Six persons, not more than three of one political party, are appointed by the governor for three years, who shall be a member and president. There is no compensation, except $1,200 for secretary.

Duties.—They shall investigate the whole system of public charities and correctional institutions of the State, examine into the condition and management thereof, especially of municipal and State prisons and reformatories, workhouses, jails, children's homes, and State institutions; and the officers in charge of all such institutions, and those who are in any way responsible for the administration of public funds used for the relief or maintenance of the poor, shall furnish the board or its secretary such information and statistics as they may require; and, to secure accuracy, uniformity, and completeness in such statistics, the board may prescribe such forms of report and registration as they may deem necessary. All plans for new jails, workhouses, children's homes, infirmaries, State institutions, and municipal lockups, or prisons, and for important additions to or alterations in such existing institutions, shall, before their adoption by the proper officials, be submitted to the board for criticism and approval.

The governor, in his discretion, may at any time order an investigation by the board, or by a committee of its members, of the management of any penal, reformatory, or charitable institution of the State, and said board or committee in making such investigation shall have power to send for persons and papers and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the governor, and shall be submitted by him, with his suggestions, to the general assembly.

The board shall annually prepare and print, for the use of the legislature, a full report of all their doings, showing also the actual condition of all institutions under their control, with such suggestions as they deem necessary.

INDIANA.

State board of charities (*law in force February 28, 1889*)—*Appointment.*—(§ 3193 Revised Statutes, 1901.) Six persons, three each from the two leading political parties, are to be appointed by the governor for three years without compensation.

The governor *ex officio* is a member and president. There is no compensation, except for the secretary, and that not specified, save that total expenses of the board are limited to $4,000.

Duties.—They shall investigate the whole system of public charities and correctional institutions of the State, examine into the condition and management thereof, especially of prisons, jails, infirmaries, public hospitals, and asylums, and the officers in charge of all such institutions shall furnish to the board, on their request, such information and statistics as they may require; and to secure accuracy, uniformity, and completeness in such statistics the board may prescribe such forms of report and registration as they may deem essential, and all plans for new jails and infirmaries shall, before the adoption of the same by the county authorities, be submitted to said board for suggestion and criticism.

The board, in its discretion, may at any time make an investigation by the whole board, or by a committee of its members, of the management of any penal, reformatory, or charitable institution of the State; and said board, or committee. in making such investigation, shall have power to send for persons and papers and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the governor and shall be submitted by him, with his suggestions, to the general assembly.

County boards of charities and corrections shall send to the State board copies of all reports to county officials or judges. The State board shall furnish blanks, stationery, and postage for required reports.

ILLINOIS.

The State prison at Joliet is visited by the governor semiannually for the purpose of examining its affairs. In connection with the commissioners, he may offer such changes in discipline as he may deem fit. A similar organization is found at the other State prisons.

Officers of the penitentiary are 3 commissioners, 1 warden, 1 deputy warden, 1 chaplain, 1 physician, 1 steward, 1 matron, and as many watchmen as commissioners deem necessary.

Commissioners are appointed by the governor, with advice of senate, and are subject to removal by the governor, which removal and cause must be submitted to the general assembly. Term of office is for six years. The commissioners appoint for a period of three years the warden, chaplain, and physician, which officers may be removed by the commissioners. No person is eligible for the office of commissioner who holds any office under State or is in any business capacity connected with the penitentiary. The commissioners have to enter into a bond to the people of the State in the penal sum of $25,000, with good and sufficient sureties.

Warden has to enter into a bond in the penal sum of $50,000, with good and sufficient sureties. With the consent of the commissioners, the warden may select deputy warden, clerk, and steward, who give bond in sum of $3,000. The warden may appoint other subordinate officers.

Duties of commissioners: They meet at the penitentiary once a month or oftener. They examine and inquire into all matters connected with the penitentiary, and systematize the rules and regulations by which the affairs of the institution are largely guided. They make a biennial report to the governor, and keep records of their transactions, such as discipline and police of penitentiary, money concerns, and contracts for work, and other allied matters.

Duties of warden: He keeps daily record of what is going on in the penitentiary, carries out rules and regulations as prescribed by the commissioners, and makes monthly reports to them. He likewise attends to all fiscal concerns of the penitentiary of which he renders monthly accounts.

Salaries: Annual salaries of officers of the penitentiary are as follows: Commissioners, $1,500 each; warden, $2,500; deputy, $1,800; chaplain, $1,500; physician, $1,500.

Illinois reform school.—Managers: Illinois has a reform school at Pontiac. The governor, with the advice of senate, appoints five citizens who constitute a board of managers of the reformatory. Not more than three managers can be appointed from the same political party. They appoint a general superintendent, chaplain, and physician. All other subordinate officers are appointed by the superintendent. The managers have to enter into a bond of $5,000 for faithful performance of duties. The board elects a president and vice-president for a term of two years.

Duties: The board examines all accounts and expenditures at least each quarter; makes all necessary rules and regulations, and makes annual reports to the governor. Managers receive no compensation for management except actual expenses involved in performance of duties.

Superintendent: The general superintendent has to give a bond in the sum of $50,000. He resides in the institution and acts as secretary of the board, having charge of all books and records. He has charge of inmates of institution. The annual compensation of the general superintendent and of the subordinate officers is fixed by the board of managers.

The jails are inspected by the State board of charities, and descriptions of their condition may be found printed in their reports; but the board has no power to correct the abuses found.

NORTH CAROLINA.

[See North Carolina Code, 1883, secs. 2331–41.]

The general assembly shall select five electors, one to be chosen each year and to serve for five years, to constitute a board of public charities for North Carolina.

They shall hold regular meetings on the first Tuesday of January, April, July, and October, and as often besides as they deem needful. They shall investigate and supervise the whole system of the charitable and penal institutions of the State, and shall recommend such changes and additional provisions as they may deem needful for their economical and efficient administration.

They are to study and advise in regard to the general condition of crime, vagrancy, and pauperism of the State. They are to investigate causes of insanity and furnish to the general assembly data on which to base future legislation for the amelioration of such conditions; to investigate and report on condition of jails; to see that any insane person, whether a public charge or not, receives proper treatment; they can require a report of any superintendent of the several charitable and penal institutions relating to its inmates, their manner of treatment and instruction, as well as structure of their buildings, or to furnish any desired statistics. They submit to the legislature biennial reports of their work, with such recommendations as they may see fit.

The board of county commissioners of each county shall annually report to the board of charities on the number and condition of the inmates of their poorhouses and prisons, also the number of outdoor paupers, deaf, blind, idiotic, and insane in their county not in almshouse or asylum, and any other information necessary to get a complete view of the number and conditions of these classes in the State. Blanks for this purpose are to be furnished by the board, and refusal to comply will subject the county commissioners to a fine not exceeding $100. The board of charities receive no compensation.

The control and management of charitable and penal institutions in North Carolina are vested in local boards of directors appointed in each case by the governor with the advice and consent of the senate. The directors of the charitable institutions receive no compensation, but those of the penitentiary receive $300 per annum. They are five in number.

MISSOURI.

[Statutes, ch. 80, § 5058–5062, 1899.]

State board of charities.—The governor shall appoint six persons, who with the governor shall constitute a State board of charities. Two shall be women and of the other four not more than two shall belong to the same political party. The term is six years.

Duties: The board shall hold quarterly meetings, shall have the power, and it is its duty, to investigate the whole system of charities and corrections of the State. A report of such investigations shall be made to the governor. They shall make full reports to the governor biennially.

They receive no compensation above their necessary expenses. They employ a secretary, who receives a salary of $1,000.

Penitentiaries (Statutes, chapter 141).—They are under the direction and control of three inspectors and a warden. The State auditor, State treasurer, and attorney-general shall be *ex officio* inspectors of the penitentiary and shall receive each a salary of $250. The warden and physician shall be appointed by the governor, by and with the consent of the senate, for a term of four years. Salaries of these: Warden, $2,250, house, and fuel; physician, $1,200. The warden has general control, subject to the approval of the inspectors.

The inspectors shall make monthly visits for inspection into the detailed work of the penitentiary, require reports of the warden, and themselves make reports to the sessions of the general assembly.

Jails (Statutes, chapter 120).—Each county shall have a jail, under the management of the sheriff. The grand jury is to inspect jails and report to the court. The board of charities also has the power to inspect jails. Separation of prisoners for civil causes and criminals and male and female prisoners shall be enforced.

TENNESSEE.

[See Code of Tennessee, 1896, Title 11, ch. 4.]

The State of Tennessee manages its charitable and penal institutions through local managing bodies, one for each institution. These are appointed by the governor, with the advice and consent of the senate, and manage and control the institutions through superintendents and subordinate officers. These managing bodies are called in the case of asylums, school for the blind, and school for the deaf, boards of trustees; in the case of the penitentiary, board of prison commissioners, and in case of the county workhouse, the board of workhouse commissioners. The last named are appointed by the court, the two former by the governor. The governor also appoints the superintendent, warden, assistant wardens, physician, chaplain, and matron of the penitentiary, but the board of prison commissioners fixes their salary under certain limitations.

The county jails are under the county sheriff except where such jail has been declared a workhouse, when the sheriff may, if he desires it, become superintendent of that workhouse.

Board of State charities.—In addition to the several local bodies of management of charitable and correctional institutions there is in Tennessee a board of State charities. This board consists of six members, not more than four of whom can be of the same political party. They are appointed by the governor for a term of three years, two being appointed each year. The governor is also a member of this board. They shall serve without compensation.

"The board of State charities shall hold their meetings quarterly, or as often as may be necessary for the purposes of the board. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary. They shall investigate the whole system of public charities and correctional institutions of the State, examine into the conduct and management thereof, especially of prisons, jails, infirmaries, public hospitals and asylums, and the officers in charge of all such institutions shall furnish to the board, on their request, such information and statistics as they may require, and to secure accuracy, uniformity, and completeness in such statistics, the board may prescribe such forms, report, and registration as they may deem essential." (Ch. 4, sec. 2673.)

"All plans of new jails and public infirmaries and hospitals shall, before the adoption of the same by the county or city authorities, be submitted to said board for suggestions and criticism."

The governor may order an investigation at any time by the board or some of its members of any of the institutions under its jurisdiction. In such investigation the board has power to send for any person or papers and to administer oaths and affirmations. The report of such investigation, with the testimony taken, shall be made to the governor, and he shall submit it, with his suggestions, to the general assembly.

They shall prepare and print, for the use of the legislature, a full and complete report of all their doings, showing the conditions of the institutions, with such suggestions as they may deem necessary and pertinent as to the management and conduct thereof.

They may appoint a secretary.

COLORADO.

[Extracts from Annotated Statutes, 1891, and Supplement, 1896.]

The state board of charities and correction is composed of six persons, appointed by the governor, with consent of senate, for six years. No compensation is allowed except for secretary. It has power to examine into the condition and management of all prisons, jails, reformatories, and industrial schools. All plans for jails, hospitals, and similar buildings shall be submitted to it for suggestions and approval before adoption by State, county, or municipal authorities.

County board of visitors is composed of six persons appointed by probate judges of each county. They shall keep themselves fully advised of the condition and management of all charitable or corrective institutions supported in whole or in part by county or municipal taxation, or under county or municipal control; especially the infirmary, county jail, municipal prisons, and children's homes, visiting the same at least once every three months.

They shall make an annual report to State board of charities and correction.

Penitentiary.—The government of the penitentiary is vested in a board of commissioners (3), appointed by the governor with advice of senate, for six years. The governor appoints the warden and he appoints the other officers. The members of the board receive $400 per year and 10 cents mileage, and furnish a $5,000 bond.

Reformatory (*for male offenders*).—The government of the reformatory is vested in the penitentiary commissioners.

Jails.—There is no provision for State supervision of jails, save that county boards must make quarterly visits. The board of charities and correction approves building plans. The bureau of labor statistics (see Annotated Statutes, p. 526) makes biennial report of the "number, condition, and nature of the employment of the inmates of penitentiary, county jails, and reformatory institutions."

Boys' Industrial School.—General supervision and management is vested in a board of control of three men, appointed by the governor, with consent of senate, for six years. Biennial reports are made to superintendent of public instruction and by him sent to the legislature. The salary is $300, and 10 cents mileage.

Girls' Industrial School.—Management is vested in a board of control of five members (four women), appointed by the governor for five years with consent of senate

PENNSYLVANIA.

[Statutes, Vol. II, secs. 3504–3510, 1897, Pepper and Lewis's Digest.]

The board of charities is appointed by the governor for five years. It has eight members, who serve without compensation. It has supervisory powers over asylums, jails, and prisons; may examine into all their work; appoints board of visitors for places where persons of unsound mind are kept; reports annually to governor and legislature; has power to transfer indigent insane; receives reports from managers of hospitals, inspectors of penitentiaries, and from persons in charge of jails; may appoint a general agent and secretary for three years, who shall receive a salary of $3,000. This board must visit all charitable and correctional institutions at least once each year; must meet every three months at the capital, and must inspect and approve plans for prisons and almshouses.

Penitentiaries.—(Statutes, Vol. II, p. 3427, secs. 18 and 21; also sec. 23.) The management of the two penitentiaries of Pennsylvania is vested in a board of five inspectors for each institution, appointed by the governor for a term of two years, and who shall reside in the county in which the institution is located.

These inspectors have the management of their respective institutions, subject only to the statutory regulations. They appoint all other officers and fix salaries. They have charge of the finances of the institutions. They report to the legislature annually; also quarterly to the board of public charities. Similar reports to the board of public charities are also made by keepers of jails and clerks of criminal courts. They visit the penitentiaries twice a week. These boards of inspectors serve without compensation. They are exempt from military duty, from service on jury and arbitrations, or as guardians of the poor.

Jails (see Statutes, Vol. I, secs. 2428–2449, Pepper and Lewis's Digest) are in charge of sheriff or jailer or inspectors. They must be so constructed as to enable every prisoner to be confined separately.

The county jail of Philadelphia is managed by a board of twelve inspectors, of which three are appointed as visiting inspectors.

NEW JERSEY.

[Extracts from General Statutes, 1896.]

New Jersey exercises central control through local boards responsible to the governor, and secures supervision through an official council and a semiofficial State charities aid association.

State council of charities and correction.—This consists of six persons, appointed by the governor, with consent of senate, for six years, himself being *ex officio* president. It "may investigate the system of public charities and correctional institutions of the State and examine into the condition and management of all prisons, penitentiaries, jails, reform schools, or other places of correctional detention, * * * and recommend in writing such changes as it may deem necessary * * * to the officers, directors, and overseers of such institutions."

They receive no compensation. They make annual reports for the use of the legislature.

State Charities Aid Association.—This organization, upon special permission of a supreme court justice, may examine "any of the county, town, township, or city poorhouses, prisons, jails, penitentiaries, reformatories, and asylums."

All persons in charge of such institutions must render any cooperation desired.

The association makes an annual report to the State.

State prison.—A board of six inspectors is appointed by the governor, with consent of senate, for five years.

They meet monthly or oftener, make rules for the general government of the prison, inspect the accounts of the supervisor and examine into his dealings, and make an annual report to the governor.

The supervisor of the prison, who is appointed by the governor, with consent of senate, for three years, has general charge of its affairs, under the board of inspectors. The supervisor may be removed by the governor on complaint of the board.

Penitentiaries.—Provision is made for the imprisonment of short-time convicts in a penitentiary in any county where such is located.

Jails and workhouses are in the custody of the sheriff, subject to the "board of chosen freeholders," which corresponds to board of county commissioners in some other States.

Reform school for boys is under the management and control of 6 trustees appointed by governor, with consent of senate, for three years. They appoint a superintendent and all other officers and employees. One or more must visit the school every fortnight. They make an annual report to the governor, which he presents to the legislature.

Industrial school for girls.—The governor, chancellor, and chief justice [a] constitute a board of control, who appoint 6 trustees to take charge of the management and general interests of the institution. They may be removed by the board. They appoint 6 lady managers as associates and may remove them.

They appoint a superintendent, matron, and other officers and teachers, and may remove them at pleasure. They make an annual report to the governor, who submits it to the legislature, and they also make a quarterly report to the governor.

BOARDS OF CONTROL.

Central State boards of control, prison commissions, etc. Examples of this type are Rhode Island, Wisconsin, Iowa, Minnesota. New York and Massachusetts have central control, but also independent agencies of supervision.

RHODE ISLAND.

The board of State charities and corrections of Rhode Island.—(See general laws of Rhode Island, 1896, chap. 291.) This board shall consist of nine persons—three from the county of Providence, one from each of the other counties, and one from the State at large.

The board is appointed by the governor, with the advice and consent of the senate, for a term of six years.

A secretary is appointed by the board, who, by virtue of his office, becomes a member of the board. His salary is fixed by the board.

Duties: They shall have the oversight, management, and control of the State farm in Cranston, of the State workhouse and house of correction, the State asylum for the incurable insane and State almshouse thereon, together with the State prison and the jail in the county of Providence. They shall also have the government of the State reform school.

The board shall appoint an agent for State charities and corrections, who shall be salaried and hold his office during their pleasure. Under the direction of the board he shall have general charge of the examination of paupers and lunatics, to ascertain their place of settlement, means of support and who is liable for their support, and also attend to their placement, removal, etc.

They also appoint a superintendent of the State institutions at Cranston, who, under their direction, shall have the central management of the above-named institutions. In case of the State prison and Providence jail, and in respect to their condition and management, he is to report to the board from time to time.

This superintendent is to nominate the deputy superintendents of the institutions to be appointed by the board. All assistants are appointed by the superintendent, excepting those of the State prison and jail of Providence, who are appointed by the warden of the prison.

The board determines the salaries of all officials appointed by them or their inferiors.

They are to adopt all needful rules and regulations for the government of these institutions and to make and to contract the labor of the inmates. They may bind out paupers, move, remove, or transfer inmates.

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[a] This later amended, providing appointment by governor with consent of the senate.

They are to have charge of the purchase of supplies, sale of goods, and contract for labor of inmates.

They appoint the warden, physician, and religious instructor of the State prison, and also the deputy warden on nomination of the warden. The warden appoints the other officers and assistants.

They make all rules and regulations for internal policy of the prison and have full authority over the convicts.

They are to visit the prison, by one or more members, at least twice a month, and keep a record of visits and complaints.

They shall make annual reports to the general assembly of their doings, including names and salaries of those appointed and employed by them.

Supplementary board.—A board of female visitors, consisting of 7 competent women, shall be annually appointed by the governor to act as an advisory board of visitors to penal and correctional institutions where women are kept, and also to the State reform school. This board shall hold monthly meetings in the city of Providence. They may call special meetings. Four members shall constitute a quorum. They receive no pay, merely expenses. They are to make their visits at least once in three months, "and shall have the same power to visit and inspect such places of confinement and to examine into the government and discipline of the same, so far as relates to female inmates thereof, as is exercised by the board of State charities and corrections, and shall make such suggestions and give such counsel to said board as shall be deemed expedient and proper: *Provided,* That said board shall have no authority over any officers of the institutions aforesaid or any power to interfere in their management or discipline." They shall make a written report annually to the general assembly.

WISCONSIN.

Title of the board.—State board of control of Wisconsin reformatory, charitable, and penal institutions (see R. S. Wis., ch. 29., law passed 1898).

The board is appointed by the governor, with the advice and consent of the senate. The term of office is five years, one member going out of office each year. The number of members is five, no two of whom can reside in the same Congressional district, and not all may belong to the same political party.

Duties: To maintain and govern the Wisconsin State and Northern hospitals for insane, State prison, the Wisconsin State Reformatory, the Industrial School for Boys, the School for the Blind, the School for the Deaf, the State Public School for Dependent and Neglected Children, the Home for the Feeble-minded, and all other reformatory, charitable, and penal institutions that may be established by the State; to supervise and direct the management and affairs of said institutions and promote the object for which they were established; to preserve and care for the buildings, grounds, and all other property connected with such institutions; to hold trust funds for these institutions; to make annual inventory and appraisal of property (on or before October 1) of each institution; to make necessary by-laws, not in conflict with State laws, for the government of the institutions; to inspect each in a body or by special committee of the board once each month; to look into the work of the employees and the well-being of the inmates; to fix the number of, appoint, and remove officers, teachers, and employees of the institutions. They shall annually appoint the executive heads and prescribe their duties and salaries where these are not fixed by law.

They have charge of schools, where such are maintained; prepare and change, when necessary, a system of uniform bookkeeping and reports; act as commissioners of lunacy, with power to remove inmates from one institution to another, or to homes, and to investigate charges against institutions or employees; may institute manufacture in State prison by a unanimous vote of the board, and may incur a debt of $100,000 against the State for that purpose, provided the governor, secretary of state, and attorney-general give their consent.

Each member shall receive a salary of $2,000 and necessary expenses. They can employ a secretary, two clerks, and a stenographer.

The secretary shall act as bookkeeper and keep separate accounts with each department of the several institutions. He receives a salary. There are no women members.

Duties of board as to other than State institutions: To investigate and supervise all charitable and correctional institutions aided at all by the State, and all industrial schools, hospitals, and asylums existing or which may exist; to examine and approve plans with reference to building of asylums, poorhouses, and jails; to visit and inspect county asylums once in three months, either by full board or by committee; to examine poorhouses, jails, city prisons, and houses of correction to ascertain sanitary conditions, whether hardened criminals are separated from juvenile offenders, persons suspected of crime or detained as witnesses; if useful employment is furnished prisoners; what is the treatment of the insane; what is the effort for reformation; collection of information affecting proper treatment of criminals, and whether crime is being diminished. They can recommend changes which must be brought about through local authorities.

Historical changes.—The State board of charities and reform and the State board of supervision of charitable, reformatory, and penal institutions were abolished in 1891, and in the place of these two the State board of control was created and its duties defined by chapter 221, 1891. In 1895 this board was abolished and a new board with much the same powers and duties, but with one member less, was established (chap. 202, 1895). The above chapter 29, Revised Statutes, 1898, is based on chapter 221, 1891, and chapter 202, 1895, with such amendments as have since been made to these acts.

IOWA.

Board of control of State institutions. (See chap. 118, S. F., 201; statute approved March 26, 1898.)

Title of board: Board of control of State institutions.

The board is appointed for a term of six years by the governor, approved by a two-thirds vote of the senate. There are three members, only two of whom can be of the same political party.

Duties: To establish a uniform system of books and accounts for the State institutions and to cause the same to be examined annually by a skilled accountant, and to annually require a settlement with the officers of each institution; to prepare and submit biannual reports of the work, needs, and expenditures of the several institutions to the governor and legislature, with suggestions for legislation.

The board shall visit and inspect, at least every six months, each institution and look into the financial condition and management. For such inspection the board has court powers. This visit or investigation may be done by a committee of the board.

The board shall have charge of plans and specifications and improvements of buildings and expenditure of appropriations; they may employ an architect at a salary not to exceed $3,000; they shall investigate charges of abuses—shall go into the details of the work of the institutions, even to personal interviews with inmates.

They shall hold quarterly conferences of superintendents, wardens, and chief executives of the institutions.

The board has power to district and redistrict the State with reference to the sections from which each institution is to receive inmates.

They keep complete records of the inmates of the institutions; have the power of appointment and removal of superintendents, wardens, and other executive officers; investigate questions of insanity and transfer inmates; collect information bearing on their work in this and other countries and promote scientific investigation; pass on estimates of supplies and stipulate rules for purchase of same; fix all salaries except those fixed by general assembly.

Each member of the board shall receive a salary of $3,000 per annum and shall give all his time to the duties of the office. Necessary expenses are paid by the State. There is no provision for women members. The board appoints a secretary, at a salary not to exceed $2,000 and necessary traveling expenses when away in the interest of the board.

The power now exercised by this board was formerly vested in the governor and the executive council, together with the local boards of trustees for the various institutions.

MINNESOTA.

[Chap. 122, Laws of 1901, approved April 2, 1901.]

Board of control.—The governor, with consent of senate, appoints three electors of the State to be a "Board of control of State institutions." The salary of each member is $3,500 a year and traveling expenses are paid. One member retires each two years, the regular term being six years. Each member gives a bond of $25,000. The board is subject to the examination of the public examiner of the State. The board is to hold conferences with executive officers of State institutions and has power to enforce its recommendations made to them. A secretary is provided, at a salary of $2,000 annually, and an office with clerks is furnished. Reports are made to the governor biennially, and budgets of all institutions are to be presented before the meeting of the legislature. The board has power to appoint and remove executive officers. The executive officer appoints his subordinates, the board naming the offices and salaries. The board has power to make regulations for the institutions; to prescribe uniform methods of keeping accounts; to collect information and statistics; to inspect all establishments, with access to all records and power to compel testimony of witnesses; to make suggestions to the legislature; to pass on plans for buildings and improvements; to purchase supplies on contracts.

The State prison, training school for boys and girls, and State reformatory are under its control.

Complex types.—In a few of the older, larger, and most advanced States, as Massachusetts and New York, we find all the types of organization combined in a highly complex system.

MASSACHUSETTS.

SYSTEM OF SUPERVISION OF PRISONS AND JAILS.

[Revised Laws of Massachusetts, ch. 222.]

I. *Appointment and organization.*—In 1901 the general court of Massachusetts established a board of prison commissioners comprised of five members, two of whom must be women. The members are appointed by the governor, with the advice and consent of the council, for a term of five years each, one to be appointed each year.

The governor designates one as chairman, who receives a salary of $4,000 in addition to necessary expenses. The other members receive only the necessary expenses incurred in performing their duties. No member of the board can be financially interested in any business of the institutions under his care.

The board may delegate to the chairman any of its powers except the authority to release or transfer prisoners.

II. *Duties.*—1. The board shall appoint a secretary from outside their own number, who shall receive a salary of $2,500 and necessary expenses, and who shall become an executive officer of the board. They may also hire clerical help up to a certain financial limit fixed by the general court.

2. They shall have the general supervision of the State prison, of the Massachusetts Reformatory, of the Reformatory Prison for Women, and of jails and houses of correction.

They shall make rules governing the officers, prisoners, property of the prisons, regulating the food and clothing of the prisoners, and they shall also make rules governing the teaching of prisoners who are committed to a jail or house of correction for six months or more to read and write, and for exercise and supervision and medical treatment of sentenced prisoners and those in solitary confinement in jails and houses of correction. These rules are to be approved by the governor and council. Local authorities, such as jailers, keepers of houses of correction, county commissioners, and penal institution commissioner of city of Boston shall make no rules conflicting with these.

III. *Visits.*—A. Prisons: The full board shall visit the prisons semiannually and make a thorough examination thereof. A majority of the board shall make these visits once in three months, and one or more of its members once each month for the purpose of inspecting the work of the officers, the condition of the prisoners, and the books of each institution. Any violation of the rules and regulations shall be immediately reported to the governor and council.

B. Jails, etc.: The following is the exact wording of the statute:

"They or one of them shall visit each jail and house of correction at least once in six months for the purpose of inspecting the books and all the affairs thereof and of ascertaining whether the laws and rules are duly observed, the officers competent and faithful, and the convicts properly governed and employed. And for this purpose they shall have all the powers which the county commissioners or the penal institution commissioners of the city of Boston as inspectors of prisons have in their several counties."

IV. *Reports.*—A. Received by board: Clerks of courts shall annually, on or before October 15, report all criminal cases commenced in the superior courts of the county on or before September 30 of the previous year; also all criminal cases entered on appeal during the same time.

Clerks of police, district, and municipal courts or justices, if there are no courts, and trial justices shall annually, at the same time and for the same period, make a like report of all criminal cases in which they exercise jurisdiction and shall state whether such jurisdiction was final or otherwise. Blanks for these purposes shall be furnished by the board.

Whoever refuses or neglects to make the report required of him by this section shall forfeit $200.

The board of police of the city of Boston, city marshals or chiefs of police of other cities and of towns, and every officer who makes an arrest in a city or town which does not have a city marshal or chief of police, shall make monthly reports to the prison commissioners of the number of persons of each sex that have been arrested in their several cities or towns. Such reports shall be classified according to the offences. An officer who refuses or neglects to make such reports shall forfeit $50.

B. Reports rendered by the board: The prison commissioners shall, at least once in six months, report in writing to the governor the condition of the prisons. If executive action is necessary with reference to conditions of administration, financial management, or discipline, they shall call attention to such need in such report.

2. In the first week of January they shall present to the general court their annual report for the preceding year, setting forth present conditions and including an estimate of what will be required for each institution for the coming year. These reports include the reports of the officers in charge at the institutions, which they are required to make to the board.

V. *Appointments and approvals.*—A. Appointments: The board of commissioners appoint the warden of the State prison and the superintendents of the other two prisons, who appoint all their assistants. This power of appointment was formerly vested in the governor of the State.

B. Approval: The board is called upon to approve the contracts of bills to be entered into by the prisons; also the personnel of an arbitration commission, should one be appointed to settle disputes.

NEW YORK.

REFORMATORY AND PENAL INSTITUTIONS IN THE STATE.

Sources.—The State constitution, in Vol. IV of Heydecker's General Laws and Revised Statutes of New York, second edition, 1901.

The Prison System of New York, by George McLaughlin, secretary of State commission of prisons, published in proceedings of first New York conference of charities and correction, 1900 (pp. 220 ff).

Politics in Prisons, Penitentiaries, and Jails, by R. W. Hebberd, secretary of State board of charities, published in proceedings of second New York conference of charities and correction, 1901 (pp. 173 ff).

The State of New York shows various methods of central control, supervision, inspection, and social cooperation. The population being very great, and in urban districts very dense, the system must be correspondingly complex.

The reformatory and penal institutions in the State of New York are as follows:

Town and village lockups, for temporary detention only of accused prior to hearing or pending removal to county jail; also city police station houses.

County jails, one in each county. These are under control of the sheriff (H. 1229) elected for three years and ineligible for a second consecutive term (H. 4235).

County workhouses may be established for the confinement of persons committed to county jails (H. 1232). They are maintained by supervisors.

County penitentiaries.—Of these there are six (in Albany, Erie, Kings, Monroe, New York, and Onondaga counties), owned and managed by the county, but which receive prisoners from other counties convicted of misdemeanors, felonies (if sentence is for one year or less), tramps, and all males between 16 and 21 years convicted of State's prison offenses. The State pays for care of such. These places are under the control of boards of supervisors (H. 4449), except in Albany County, where control is vested in a commission, consisting of the district attorney of the county and the county treasurer, with one other, appointed each five years by the president of the board of county supervisors.

Houses of detention in any county (except Kings) for imprisonment of females and males under 16, convicted of crime not punishable by death or more than five years' confinement; control is by sheriff.

State industrial schools for juvenile delinquents (both sexes) at Rochester and at Randalls' Island. These two are under the inspection of the State board of charities.

The State Charities Aid Association, in report for November, 1901 (29th annual), records visit by committee to the Rochester school.

Houses of refuge (State) for women between 15 and 30 years of age at Hudson and Albion.

Reformatories (*State*).—One for women between the ages of 15 and 30 years at Bedford, and two for men between 16 and 30 years of age at Elmira and at Napanock.

States prisons.—Three for men, at Sing Sing, Dannemora, Napanock, and one for women at Auburn.

Two hospitals for insane convicts (only three or four States have such) at Matteawan and Dannemora.

The State maintains relations with the foregoing institutions in the following ways:

The State constitution (Art. V, sec. 4): "A superintendent of State prisons shall be appointed by the governor, by and with the advice and consent of the Senate, * * * for five years. * * * He shall have the superintendence, management, and control of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians, and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers, except the clerk, subject to the approval of the superintendent. The comptroller shall appoint the clerks of the prisons. The superintendent shall have all the powers and perform all the duties not inconsistent herewith which were formerly performed by the inspectors of State prisons.

"The governor may remove the superintendent for cause at any time, giving to him a copy of the charges and opportunity to be heard in his own defense."

The superintendent also has control of the hospitals for insane convicts.

Extracts from prison law regarding superintendent of State prisons (H. 4393, § 31): "Shall receive an annual salary of $6,000, and traveling expenses not to exceed $500." For clerk hire and all incidental expense $4,950 a year is allowed.

He shall have an office in Albany. He shall have the superintendence, management, and control of the State prisons and of the convicts therein, and of all matters relating to the government, discipline, police, contracts, and fiscal concerns thereof. (H. 4395, § 40.)

He shall, on or before January 10 of each year, make a report to legislature for year ending September 30, giving number of convicts and for what offenses, * * * their moral, intellectual, and physical condition, and how employed, * * * complete financial statistics, and such other matters as he deems pertinent and proper. (H. 4396, § 41.)

The State constitution (Art. VIII, § 11): "The legislature shall provide for * * * a State commission of prisons, which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors." (H. 4234.)

Chap. 1026 of laws of 1895, as amended in 1901, ch. 12:

§ 1. The State commission of prisons shall consist of 3 members, to be appointed by the governor, by and with the advice and consent of the senate, for four years. (H. 4389.)

§ 2. It shall be their duty to aid in securing the just, humane, and economic administration of all said institutions; to aid in securing the erection of suitable buildings, * * * and to approve or reject plans for their construction or improvement; to investigate the management of all said institutions and the conduct and efficiency of officers or persons charged therewith; to secure the best sanitary conditions of the buildings and grounds, * * * and to preserve the health of the inmates; to collect statistical information in respect to the property, receipts, and expenditures, the number and condition of the inmates, and to recommend such system of employment as may be, in their opinion, for the best interest of the public and not in conflict with the provisions of the constitution relating to the employment of prisoners.

§ 3 provides for rooms in capitol, and stationery and books. (H. 4390.)

§ 4 provides for a secretary to be chosen by the commission, at salary of $3,000, and also clerical force.

§ 5 provides for inspection and investigation of institutions by commission or secretary; an annual report to be made in January.

§ 6 provides that the warden of every prison (i. e., of the State), the superintendent or manager of every penitentiary (i. e., of county, six in all), the keeper of every jail or other institution used for the detention of sane adults * * * shall on the

1st day of November of each year report to the commission the number of males and females charged with crime and awaiting trial, the number convicted of crime, the number detained as witnesses and as debtors in custody on October 1, together with a statistical exhibit of the number of admissions, discharges, and deaths during the past year, the nature of the charge, the period of detention or sentence, and such other facts and information as the commission may require.

§ 7 provides fine of $100 for refusal to furnish the above information to the commission.

§ 7a gives commission the duty and authority to require all the proper officials of the State and the political divisions thereof, and of all public institutions of the State and any political division thereof, supported wholly or partly by the State, or any political division thereof, to furnish to the commission annually estimates for each ensuing year of the amount of labor to be required by each, and of the articles which may be manufactured in penal institutions, required to be purchased for the use of the State, or the political divisions, or said institutions in their charge or under their management.

§ 8 provides compensation of $2,500 for president of commission.

H. 4391 contains section of law passed in 1846 to incorporate the Prison Association of New York. This association is supported by private gifts and seeks to improve the condition of prisons and of convicts.

The State board of charities.—(H. 4234, § 11.) The State constitution, Art. VIII, § 11, says:

"The legislature shall provide for a State board of charities, which shall visit and inspect all institutions, whether State, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional, or reformatory character, excepting only such as are hereby made subject to the visitation and inspection of either of the commissions hereinafter mentioned (lunacy and prison), but including all reformatories except those in which adult males convicted of felony are confined."

Extracts from the State charities law. Ch. XXVI of General Laws.

(2101, § 2.) The term "State charitable institutions" shall include all institutions of a charitable, eleemosynary, or reformatory character, supported in whole or part by the State, except institutions for instruction of deaf and dumb and blind, and also those under visitation of lunacy and prison commissions, whether managed or controlled by the State or private corporations, societies, or associations.

(H. 2101, § 3.) This board is composed of 12 members (commissioners), appointed by the governor, with consent of senate, for eight years.

(H. 2102, § 5.) Commissioners receive $10 a day for attendance on board or committee meetings, not to exceed $500 a year and expenses.

(H. 2102, § 6.) Failure to attend three consecutive meetings of board, unless excused by vote of board, may be treated by governor as resignation and he shall appoint a successor.

Of the reformatory and penal institutions, therefore, the following are under the supervision of the State board of charities: The State industrial schools at Rochester and Randalls Island.

The last legislature amended the State charities law by the creation of a fiscal supervisor of charities at a salary of $6,000, to have jurisdiction over the State charities institutions, the State School for the Blind, and the Elmira Reformatory. His duties are those of financial investigation and report only.—(The Mid-Year Bulletin (May, 1902) of the State Charities Aid Association.)

The law also takes out of the hands of the State board of charities the approval of plans for new buildings or important improvements and puts it in the hands of the governor, the president of the State board of charities, and the comptroller.

UNDIFFERENTIATED TYPE.

That of the newer States and Territories, where the governor, associated with other State officers, acting as executive officer, also administers State institutions, a distinct administrative body not having yet been evolved Examples of this type are Nebraska, South Dakota, Wyoming, Utah, Oregon, Idaho, etc.

NEBRASKA.

[Extracts from Annotated Statutes, 1901.]

Board of charities and correction consists of governor, commissioner of public lands and buildings, and State superintendent of public instruction, the governor being chairman.

The board appoints four advisory secretaries for four-year terms, none of whom—nor of the board—receives compensation. It is their duty to inquire into the whole system of public charities and the methods and practices in the correctional institutions of the State and counties, and to ascertain the condition thereof by inspection or otherwise, especially of prisons, jails, infirmaries, public hospitals, asylums, reformatories, and industrial schools. The plans for all new jails, lockups, infirmaries, or reformatories shall, before adoption by State, county, or municipal authorities, be submitted to the board for approval.

Penitentiary.—The board of public lands and buildings are *ex officio* inspectors of the penitentiary.

The warden is appointed by the governor, with approval of the senate.

The deputy warden, chaplain, and physician are appointed by the governor, and other officers and assistants by the warden. The board (of public lands, etc.) annually audit, correct, and settle the accounts of the warden.

Board of public lands and buildings (being Art. V, sec. 19, of constitution).—The board consists of the commissioner of public lands and buildings (who is biennially elected), with the secretary of state, treasurer, and attorney-general. It has general supervision and control of all public grounds and lands, the State prison (penitentiary), asylums, and all other institutions except those for educational purposes.

Jails.—The judges of the several district courts shall prescribe rules for the regulation of the jails in their jurisdiction as follows: As to cleanliness of prisons and prisoners; classification of prisoners in regard to sex, age, crime, and also insane, idiots, and lunatics; beds and clothing; heat, light, and ventilation; medical and surgical aid; employment, temperance, and instruction of prisoners; supplying each prisoner with a Bible; intercourse between prisoners and others; violations of prison rules; whatever else is deemed necessary. The sheriff makes annual report and sends copies to the district court, county clerk, and secretary of state, who in turn lays it before the legislature. Each judge shall lay all rules and plans established by him before the grand jury each term. The grand jury shall once each term visit and examine the jail and inquire into the details of its management. County Commissioners must also visit jail once each quarter.

Reform school.—For the retention, education, discipline, industrial training, and reformation of male juvenile offenders. The superintendent is appointed by the governor, as also the assistant superintendent on the superintendent's recommendation. All other officers and teachers are appointed by the superintendent, with the consent of the governor.

Girls' industrial school.—A similar institution in purpose and government.

SOUTH DAKOTA.

Board of commissioners of charities and corrections.—(Statutes 1901, secs. 556–570.) The name of the board is the board of commissioners of charities and corrections. They are appointed by the governor, with the consent of the senate, for a term of six years. They are five in number. They receive as compensation $3 per day up to a limit of $300 per annum. All expenses are paid by the State. They appoint a secretary of their own number, who receives $3 per day without any limit as to the time he works. They assume all the duties usually discharged by local boards of trustees of the several institutions in addition to that of inspection and supervision.

(§557.) *Jurisdiction.*—"Said board when duly organized, shall have control of the penitentiary, insane hospital, school for the deaf and dumb, and the reform school of the State, as hereinafter provided." (Ch. 5, 1890.)

Visits: They must visit the institutions at least once a year.

They have charge of the financial management, procure fuel, supplies, etc.

Reports: They are to report biennially, or whenever called upon by the governor.

They appoint superintendents, warden, and subordinate officers, and make rules for the conduct of employees and inmates.

Jails are to be provided by county commissioners. The circuit judge is to prescribe rules for jails, the sheriff is to act as inspector of the same, and the grand jury also shall visit the jails once during each term of court to see if the jail is properly kept and if the rules of the court have been complied with.

The county commissioners shall visit the jails once during each of the regular meetings of the year.

WYOMING.

State board of charities and reform.—(R. S. 1899; Div. 1: TL. 7.) The governor, the secretary of state, the State treasurer, the State auditor, and the State superintendent of public instruction constitute the State board of charities and reform.

Duties: This body has general supervision and control of all charitable, reformatory, and penal institutions of the State, including buildings, grounds, employment of officers and help, fixing salary, and having general charge of inmates, making rules, and procuring supplies. The only exception as regards the institutions of the State is the poor farm.

They employ the superintendent of public instruction as secretary of the board. They hold monthly meetings, the governor being president of the board. Any three members constitute a quorum. Special meetings may be called by the governor. They make annual reports, including itemized account of expenditures of each institution. Every second year an estimate of needs of the institutions is laid before the legislature.

Jails.—(R. S., chap. 6, 1899.) These are constructed under the direction of the county commissioners; they are inspected by the grand jury and kept by sheriff or jailor. Juvenile prisoners are to be kept separate from older prisoners whenever practicable. The board of charities and reform have general charge and supervision of all county jails, but they are not required to inspect the jails once a year as they must in case of the other institutions. The sheriff shall report to the board on the 1st of January and July of each year on the condition of the jail under his charge.

UTAH.

[Extracts from Revised Statutes, 1898.]

State prison.—A board of corrections has government and control. It consists of four members appointed for four years, with the governor *ex officio* The governor appoints, with advice and consent of senate. No compensation is allowed—only actual and reasonable expenses. The warden is appointed by the board, to continue at their pleasure. He may not be removed save for cause, of which they shall be the sole judges. All other officers are appointed by the warden, with the approval of the board, and continue at their joint pleasure. The warden makes a monthly financial report to the board, and also a general annual report. The board makes biennial reports to the governor and legislature.

Industrial school.—A board of trustees of three members, appointed by the governor (with consent of senate) for four years, has "government and control." They receive expenses, but no compensation. The board appoints a superintendent and a secretary, who is not of their own number. One or more trustees shall visit the school at least monthly.

County jails are in the care of the sheriff. There is no provision for inspection or oversight of any sort. Since, however, the expense of maintenance is paid by the county commissioners, they probably exercise some measure of control.

OREGON.

[Extracts from Annotated Statutes, edition of 1902.]

The penitentiary.—The governor shall visit the penitentiary at least four times a year, and oftener if he deems it necessary. He is allowed for this service $500 a year in addition to traveling expenses, the regular salary being $1,500. A superintendent is appointed by him, to hold office until removed. The warden and all officers and employees are appointed by the superintendent and removed at his pleasure.

The superintendent has general superintendence, makes all purchases, and may employ the prisoners in accordance with rules prescribed by the governor. The governor may lease the labor of a part or all of the convicts to any person, firm, or corporation, same to be performed on the premises.

Reform school is "for the confinement, discipline, education, employment, and reformation of juvenile offenders." The governor, secretary of state, and superintendent of public instruction constitute a board of trustees, with full authority and exclusive government. The superintendent and all other officers and assistants are appointed annually by the board, and may be removed whenever it is deemed expedient. The trustees make a biennial report to the legislature. The trustees visit the school monthly "when practicable" and make a thorough semiannual inspection "if practicable." They receive $250 a year and expenses.

County jails shall be inspected at least once each term by the county court, "examining fully into the condition of such prison, as to health, cleanliness, and discipline." Any violations are reported to the district attorney.

IDAHO.

[See Ch. XI, sec. 353, Political Code, 1901, and Ch. CCXL, Penal Code.]

The governor, secretary of state, and attorney-general are constituted a State board of prison commissioners to have control, direction, and management of the penitentiary.

The prison commissioners shall hold quarterly meetings; make rules for the penitentiary in connection with the warden; appoint warden and physician as well as subordinate officers in conjunction with warden, and fix salaries.

The board requires report from warden every month; makes annual report to the governor on conditions and needs of the penitentiary. The warden reports also annually to the governor. All business transactions of the prison are in the name of the warden.

Jails (Penal Code, Chap. CCXLI, 1901) are kept by the sheriff; must contain room so as to allow the separation of the following classes of prisoners: (1) Persons committed on criminal process and detained for trial; (2) persons already convicted of crime and held under sentence; (3) persons detained as witnesses or held under civil process or under an order imposing punishment for contempt; (4) males separately from females. County commissioners must inspect jails once in three months. They shall also make rules for the management of the jail.

OKLAHOMA.

The "governor of the Territory of Oklahoma is authorized and empowered to contract, in the name of this Territory, with the proper authorities of some other State or Territory for care and custody of such persons as may be convicted of crimes punishable in the penitentiary by the courts of this Territory, and to bind this Territory to the faithful performance of such contract or contracts."

Jails.—At each term of the district court the grand jury makes personal inspection of the condition of the county prison. The sheriff of county keeps the jail and is responsible for the manner in which it is kept. "Juvenile prisoners shall be treated with humanity and in a manner calculated to promote their reformation. They shall be kept, if the jail will admit it, in apartments separate from those containing more experienced and hardened criminals." Judges of district courts prescribe rules and regulations. Sheriff makes out several reports annually, which are transmitted to the county clerk, commissioners, secretary of Territory, and legislative assembly.

County board of commissioners provide for jails all necessary things and appoint a physician, who makes a report to the board, or district judge, or grand jury, whenever required. The jailer is usually a deputy sheriff.

ARIZONA.

[Revised Statutes, 1901.]

Board of control.—The governor, auditor, and one citizen appointed by the governor, with consent of the legislative council, and who shall hold office two years and be *ex officio* secretary, shall constitute a board of control, who shall have full charge of all charitable, penal, and reformatory institutions. The board makes biennial report concerning each institution to the governor, who lays it before the board.

Territorial prison.—The governor, with consent of the legislative council, appoints the superintendent of prison for two years. The board of control appoints an assistant superintendent and also a secretary of the prison. The superintendent and secretary are subject to removal for cause by the board of control, and all other officers and employees may be removed by the superintendent.

Reform school.—This is for offenders of both sexes, between 8 and 16, commitment being for not less than one nor more than five years. The general supervision and government is vested in a board of trustees of three citizens, appointed by the governor, with consent of council or senate, for four years.

The trustees make a biennial report to the governor, and he lays it before the legislature.

County jails.—Are under the care of the sheriff. If for any reason the jail becomes unfit for habitation the district judge designates some other county jail as temporary place of confinement.

NEW MEXICO.

[Compiled Laws, 1897.]

Penitentiary.—The general government and management is vested in a board of penitentiary commissioners of 7 members appointed by the governor, with consent of legislative council, for two years. The superintendent of penitentiary is appointed by the board for two years, and may be discharged by them for cause. The superintendent appoints his assistant, with approval of board, and he may be likewise discharged.

The board makes biennial reports to the governor and special reports on demand. The superintendent makes annual report to the board. The board makes annual report to auditor of all finances.

Reformatory.—There is no such institution. Persons under 16 convicted of crimes punishable by confinement in penitentiary may be sent to county jail, at the discretion of the court.

County jails are under control of sheriff. County commissioners shall inspect the jail at least twice a year and report to the district court any dereliction of sheriff, in which case the judge orders the district attorney to enter suit against him.

MONTANA.

Board.—The governor, secretary of state, and attorney-general constitute a board of state prison commissioners. The secretary of state, attorney-general, and state auditor constitute the board of pardons. The board has entire control of state prison grounds, buildings, prison labor, and prison property, and makes all necessary rules and regulations in regard to management of prisons. The governor is president of the board and the secretary of state is secretary of the board. The warden is appointed by the board, and he in turn has power to appoint all subordinates, subject to approval of board. The warden carries out all instructions of board and submits regular monthly reports to the secretary of the board. All books and papers kept by or under direction of the secretary of board and warden of State prison must at all times be open to inspection of members of board, State officers, members of legislative assemblies, and sheriffs. Upon entering upon the discharge of his duties, the warden gives bond in sum of $25,000. By an act, approved on March 3, 1893, the penitentiary is designated as the Western Prison, and there is also an eastern one.

County jails.—In each county there must be one jail, maintained at the expense of the county. The county commissioners have the care of building, inspecting, and repairing the jail, and must once every three months inquire into its state. The sheriff submits to them a quarterly report.

State reform school.—Control and supervision is vested in a board of State prison commissioners, who establish rules and regulations for it. The governor appoints three persons, who constitute a board of trustees, each one of whom has to enter into a bond of $10,000 for faithful discharge of duties. Each member receives for his services as trustee $5 per day while attending to his duties and 10 cents per mile necessary in traveling. The board appoints a director of school, who has charge of all males, and he employs a matron, who has immediate control of the female department. The director appoints all other subordinates. His salary is $1,500 per year. Salaries of others are fixed by the board. The director gives a bond of $5,000. Both departments in the school—male and female—are kept entirely separate and distinct. The board makes biennial report to the governor. The board of trustees may, whenever it deems it necessary, erect any additional buildings and make any improvements, provided their action is approved by the State board of prison commissioners.

WASHINGTON.

State reform school.—It is intended for the reformatory training of all youths between the ages of 8 and 18 who are residents of the State. The school is under the charge of a director and a matron, who is employed by the former for the purpose of caring for the female department. The director's salary is $1,500 a year, and he appoints all subordinate officers and teachers. He has entire supervision of the school, subject, however, to the control of the board. The reform school consists of two departments, male and female, which are entirely separated. The board has the right to make all rules and regulations for the institution, and at the end of each year a report is submitted to the board by the director, supplying all necessary information.

Board of directors.—The board reports biennially to the governor setting forth the number admitted and the number dismissed each year; the needs of the school, etc. In 1897 the board of trustees of western Washington hospital for insane, the eastern hospital for insane, Washington State reform school, Washington soldiers' home, and board of directors of State penitentiaries have been abolished and instead there has been created a State board of audit and control which has charge of all the above institutions. The governor, with consent of senate, appoints five citizens of the State as members of the above board, four of whom shall serve without compensation, and the fifth is known as commissioner of public institutions, upon whom additional duties devolve. The governor is *ex officio* chairman of board. The commissioner of public institutions makes quarterly visits to the above institutions, audits the accounts, examines the books, and scrutinizes the management. He acts as secretary of board and gets $1,500 per annum and all traveling expenses. At a meeting of the board he lays before them the result of his investigation. The board likewise exacts from the manager or superintendent of each of the above institutions an itemized statement of the receipts and disbursements for each month.

The State penitentiary is situated near the city of Walla Walla. It is the duty of the State board of audit and control to determine necessary employees and officers of the penitentiary, specifying their duties and fixing their salaries, prescribing rules and regulations, etc. At least two of the board visit the penitentiary every month, and oftener if necessary.

The warden of the penitentiary is appointed by the above-named board. He supervises government and discipline of the penitentiary and enforces all orders and regulations of the board. He receives a salary of $1,400 per annum.

County jails.—Judges of superior courts of the several counties of the State may, from time to time, prescribe rules for regulation and government of the jails in the several counties. Grand jury of each county, before whom the superior court lays all rules and regulations every session, may visit the county jail and examine its state and condition, and inquire into the discipline and treatment of prisoners, etc. The jailer shall be the deputy appointed by sheriff unless the latter chooses to act in person.

Nearly allied to the "undifferentiated type" are the following States of the South:

MARYLAND.

House of Correction.—The Maryland house of correction is under the control of the following board of managers: The governor, comptroller, attorney-general, and treasurer, who are *ex officio* members, and three other persons, appointed by the governor, who serve without compensation for a term of six years, and three persons who serve without compensation for a term of four years. These have power to make such by-laws, rules, and regulations as they may deem necessary and proper, and shall also have power to appoint the necessary officers and agents and fix their compensation, which officers shall be removable at their pleasure.

House of Good Shepherd.—The House of Good Shepherd of the city of Baltimore, a body corporate, is authorized to receive all such white females under the age of 18 years as may be committed to the corporation by their parents or guardians, and the same to retain within refuge conducted by said corporation until they reach the age of 18 years.

The directors of the House of the Good Shepherd make all such rules and regulations as they deem necessary and fit. They make an annual report to the governor, giving a full account of the operation of the institution. The institution may from time to time be inspected by the judge of the criminal court of Baltimore, president of board of police commissioners, and the marshal of police of the city of Baltimore.

House of Reformation.—The concerns of the House of Reformation are conducted by 16 managers, 12 of whom are elected by members of the association, 2 appointed by mayor and city council of Baltimore, and 2 by the governor. The board makes such by-laws, rules, and regulations as it deems fit for the government of the institution, and makes a report to the general assembly at each regular session of the condition of the house. The treasurer has to give bond in sum of $5,000. The board appoints all officers.

House of Refuge.—The membership of the house is on the same lines as in the House of Reformation. Number of managers is 15, 5 of whom are appointed by the governor, 5 by the members, and 5 by mayor and city council of Baltimore. The House of Refuge is for white children and conducted like the House of Correction, which is exclusively for colored children.

Female House of Refuge.—Is managed by 30 directors, 15 of whom are chosen annually by members, 5 by mayor of city of Baltimore, 10 biennially by the governor of the State. "Directors of said institution shall have, as to female juvenile delinquents, all the powers and fulfil all the duties had and fulfilled by the directors of the House of Refuge."

Industrial Home for Colored Girls.—This is also managed by a board of managers, consisting of 11 persons, 2 of whom are appointed by the governor for two years, 2 by mayor of Baltimore for one year, 7 by members of the corporation for one year. Board of managers makes a report to the general assembly at each regular session. The mayor and city council are empowered to appropriate annually toward the current expenses any sum they may deem requisite.

State penitentiary.—Directors: It is managed by a board of six directors. The governor biennially appoints two directors who hold office for six years, and until their successors are appointed and qualify. Directors annually appoint a warden who serves for one year or until the stated meeting of the board. They likewise appoint annually an assistant warden, a bookkeeper, physician, and matron and other subordinate officers. The warden enters into bond in sum of $10,000. His duties and salary as well as duties of other officers are prescribed by the board. The warden usually receives $2,000 a year and is allowed a dwelling, fuel, and subsistence. Directors receive each $2 for every day during the discharge of their duties as directors or in capacity of a monthly committee. Directors have control and management of financial affairs of the institution, and direct all repairs and improvements on the buildings. They transmit annual reports to the comptroller of the State about the financial affairs of the institution, and they make annual reports to the governor. At each monthly meeting the directors appoint one or more of their number, who constitute a monthly committee to visit the prison at least once a week to examine the management of the institution.

Duties of warden: He sees that all rules and regulations be carried out and reports to the monthly committee or convenes the board of directors. The assistant aids the warden in carrying out the laws of the State.

ARKANSAS.

Management.—The governor, secretary of state, and attorney-general are constituted a board of commissioners for the management of State penitentiary. The governor is president of the board, and the secretary of state is secretary of the board. The board has general control and management of State penitentiary. The board makes biennially a full and complete inventory of valuation of all lands, buildings, and machinery, etc. The board may prescribe such rules and regulations as it may deem proper.

Superintendent.—The board, with advice of senate, appoints a superintendent, who holds office for a term of two years, and who gives a bond in the sum of $15,000. The superintendent has control over discipline, management, treatment, and control of convicts. Subject to approval by the board, he appoints all subordinates. He makes a monthly report to the board, showing its status and condition. He makes annual report to the board. As far as possible he keeps record of each convict's behavior. The board likewise appoints a financial agent, whose term of office is for two years and whose bond is for $45,000. He is purchasing, selling, and disbursing agent of the penitentiary Every month he makes an itemized statement of expenses and receipts, which is submitted to the auditor after being examined by the superintendent and board. He makes out biennial reports to the governor.

Duties of commissioners.—They visit the penitentiary at least once a month and are kept informed by superintendent of affairs of the penitentiary. The board makes biennial reports to the general assembly.

Salaries: Of superintendent, $2,100 and expenses incident to his duties; financial agent, $1,800 and expenses; physician, $1,800; clerk, $1,200; chaplain, $900.

Jails.—Each county has its jail and court-house. The sheriff has charge of the jail and may appoint a jailer. At each term of the circuit court the grand jury visits the jail of their county and examines its condition and makes a report to the court.

House of correction (§ 865).—"County courts of several counties shall purchase a farm or tract of land within the boundaries of the county and provide for the erection on such farm or tract of land of a house of correction." County court appoints some person to act as superintendent of house of correction, and court fixes his compensation. Superintendent has charge of farm and lands attached to it, and directs labor of all persons sentenced to confinement in them. County court may remove superintendent for neglect of duty. County court prescribes rules and regulations for the management of the institution.

VIRGINIA.

The superintendent of the penitentiary is elected every two years by a joint vote of the two houses of the general assembly. The governor annually appoints three persons as directors of penitentiary, also a surgeon. Directors receive $3 for every day's attendance on board.

Jails.—County and corporation courts of every county and city annually appoint three persons, one of whom is a physician, to inspect the jails within such county or city. These inspectors make quarterly inspections and report to the court the condition of the jails, number of apartments, the sizes of them, etc. The sheriff of each county and the sergeant of each city are keepers of jails.

There is in the State of Virginia a negro reformatory association, which has power to establish and conduct, anywhere within the limits of the Commonwealth, houses of correction, reformatories, industrial schools, workhouses, or other such institutions, in which it may receive negro children and youth as may be committed to its charge by parents, guardians, or courts and magistrates of the Commonwealth. This association has power to make and enforce such constitutions, by-laws, and regulations as it may deem fit, and appoint officers, agents, and servants to perform any functions they may assign. This association makes report of its work to the general assembly of Virginia at its regular sessions. No person is received in custody of the Negro Reformatory Association of Virginia after he has reached the age of 17 years and is never detained after he is 21.

The board, at the time the above law was instituted, consisted of 17 persons.

WEST VIRGINIA.

State penitentiary.—In West Virginia there is only one State penitentiary. It is under the control of a board of five directors who are nominated by the governor and elected by and with the consent of the senate for a term of four years. They receive $4 a day for each day that they are actually employed and other reasonable expenses incurred during the discharge of their duties.

They have general control of the institution, direct all methods of improvement and reform, make rules and regulations for treatment of convicts. They likewise fix the compensation of clerk, physician, engineer, and guards, and may remove them at discretion. The majority of board constitutes a quorum.

They must annually make report to governor of their proceedings, showing condition of finances, and of all moneys received and disbursed by the board. A biennial report goes to the legislature.

Warden: The warden is appointed by the governor and elected for four years by and with consent of senate. He is chief executive officer of the penitentiary and has charge of internal management, and superintends the erection of buildings, subject to the control of the board of directors. His salary is not to exceed $1,500 and his bond is to be $10,000. He makes monthly and semiannual reports.

The West Virginia reform school is under the control of a board of six directors, not more than four of whom belong to the same political party. They are nominated by the governor and appointed by and with the consent of the senate. The directors are divided into three classes, not more than one of whom is appointed from more than one county. The board biennially chooses one of their body to be president of the board, and a majority constitutes a quorum. They have general supervision of the school, government, instruction, discipline, training; the selection of such officers, agents, and servants as they deem proper and designation of their duties. They make annual report to the governor of all the transactions in the institution.

Industrial homes for girls.—The board of directors consists of three men and three women, who are nominated by the governor and appointed by and with consent of senate. The powers vested in them are the same as those vested in board of directors of the reform school. All the officers, agents, and servants for the industrial school are women. White and colored are held separate as far as it is practicable. The directors of said home are allowed the same compensation as is allowed to those of the reform school.

Houses of correction.—Every city and town possessing a population of not less than 5,000 may establish within its limits a house of correction and place it under the management and control of such officers and directors as may be provided by an ordinance of the council.

Jails.—The county jail is under the superintendence of the county sheriff. Annually, however, the circuit court of every county appoints three persons, one of whom is a physician, for the purpose of inspecting the jail.

DELAWARE.

Jails.—The sheriff of each county has charge of jail in his county. The jail may be used as a workhouse and the keeper of the jail shall be overseer of the workhouse, "unless the levy court shall appoint another person overseer." The levy court of each county shall annually appoint an overseer of the workhouse, and may fix the amount of his compensation.

Jail commissioners.—The levy court annually appoints three judicious persons of their county as commissioners of the jail and workhouse. These commissioners are empowered to make rules for the government of the jail and workhouse and provide for the cleanliness and health of prisoners, employment of convicts, provision of proper fuel and bedding, etc. Their compensation shall be $2 each for each day's attendance, to be allowed by the levy court, and not to exceed five days in each year.

Reform school.—There is the Ferris Reform School in the State of Delaware, which is managed by a board of 21 managers, of whom 5 constitute a quorum for the transaction of business. The mayor of the city of Wilmington, the judge of the superior court resident in Newcastle County, and president of levy court of said county, shall be *ex officio* members of said board. The other 18 managers shall be elected annually by the members of the corporation. The board of managers provides for the religious and moral education, training, employment, discipline, government, instruction, etc.; appoint such officers, agents, and servants as they deem fit. The board may receive in this reform school incorrigible minors, residents of Newcastle County, in their custody. No males over 16 and under 9 years of age can be accepted. The board of managers presents to the members of the corporation at every annual meeting a report of last year's work in the reformatory.

Industrial school for girls.—The Delaware Industrial School for Girls acts as guardian to the person of any girl who, between the ages of 12 and 21, proves vicious or incorrigible. It is controlled by a board of corporators. Sum of $1,000 is annually appropriated to this school by the State.

KENTUCKY.

[Kentucky Statutes, ch. 16.]

The penal and reformatory institutions in the State of Kentucky are managed by local boards, called in most instances "boards of commissioners," and by superintendents.

Penitentiaries.—(Statutes, ch. 97, Art. I.) The penitentiaries of Kentucky are governed by a board of three commissioners elected by the general assembly for a term of six years, one being elected each two years. They must give a bond of $25,000 each and receive each a salary of $2,000 per annum. This board shall have full management and control of the prisons. They shall appoint wardens, deputy wardens, clerks, physicians, and chaplains for the prisons, and guards are appointed by the warden, on the approval of the commissioners. The warden shall, with the advice and consent of the commissioners, contract for and purchase all necessary supplies. He reports monthly to the commissioners and also annually. The commissioners make annual reports to the governor, which are submitted to the legislature.

The power of removal as well as election is in the hands of the legislature.

Jails.—The jails in Kentucky are under the management of the local authorities.

MISSISSIPPI.

[Annotated Code, chapter 101, pub. 1892.]

Management: "The management of the penitentiary is vested in the board of control, consisting of the governor, attorney-general, and the three members of the railroad commission. * * * The clerk of the penitentiary shall be the secretary of the board." * * *

They have complete control of the penitentiary as regards management, appointments of all officers and employees, fixing salaries, conduct and care of prisoners, rules for discipline, etc.

Jails.—Jails in Mississippi are under the general supervision of the board of county supervisors. (Statutes, sec. 310.) The grand jury has the power of inspection, which they shall exercise at each term of the circuit court. They are required to report to the court. The sheriff, who has the immediate control of the jail, may, at the instigation of the court, be punished for violation of duty. (Sec. 2378.)

LOUISIANA.

[Revised Laws of Louisiana, compiled 1897, sec. 2850 ff.]

A board of control is appointed for the penitentiary at Baton Rouge, of five members, for a term of two years, by the governor, confirmed by the senate. They shall reside in the vicinity of the penitentiary. They "shall have the direction and control in the management of the same." They shall meet at least twice in each month at the office of the penitentiary. Each member receives annually $250 for his services.

They have a secretary. He is to keep the board informed on the needs and condition of the prisoners and to furnish an annual report to the governor ten days before the meeting of the general assembly.

Salaries of secretary, warden, physician, the officers over the guard, and the police necessary to keep the prisoners, are fixed by the board and submitted to the governor for approval.

Jails.—(Revised Laws of Louisiana, sec. 2833 ff). The sheriff is keeper of jails. Police jury shall pass such regulations and by-laws as they deem necessary for the regulation of jails. The grand jury shall inspect prisons and make reports to the judge, who imposes a fine of not exceeding $200 on sheriff for neglect of duty.

SOUTH CAROLINA.

[R. S., S. C., 1893, Ch. LIV, (vol. 1).]

Penitentiary (R. S., S. C., 1893, Ch. XXXIV, vol. 2) shall be governed by a board of directors of five persons, elected by the general assembly for two years, of which the governor of the State shall be an *ex officio* member. Members receive compensation fixed by law for attending meetings of board. They are to meet at least once each month. The penitentiary shall be under the direction and government of a superintendent elected by the general assembly for two years. The superintendent makes rules and regulations for the government of the prison, subject to revision or amendment by the directors; he appoints inferior officers; purchases provisions and materials, under the supervision of the board of directors.

The superintendent is the real manager of the institution, but the board of directors exercise supervisory powers, with the right of interference in the management of the institution. They prescribe the kind and quantity of food to be purchased and have general power over the prisoners.

They can, with the consent of the governor, remove the superintendent.

Jails are under the direction of the sheriff, who reports the conditions of the same to the county commissioners. They have the power to make changes or alterations in the same.

ALABAMA.

[Code, 1876, supplemented by examination of all reports of National Conference of Charities and Correction, 1877-1901.]

Penitentiary.—The code contains regulations concerning the leasing of the State penitentiary for six-year terms to the highest bidder, the lessee to "provide all guards, chaplain, and physician and to supply good food and clothing to the prisoners, who must be treated humanely." He must also keep the property in repair. He also pays the State inspectors. There are three inspectors appointed, two by speaker of house and one by president of senate, biennially, who visit convicts as often as necessary to ascertain condition and treatment; make biennial report to the governor, and oftener if necessary.

If the penitentiary is not leased, the governor appoints, with consent of senate, a warden for four years, who is under the supervision of the inspectors. There is a state convict farm, which is self-supporting.

From the reports to the National Conference of Charities and Correction it appears that most of the convicts are leased to the Tennessee Coal and Iron Company for mine work, the company providing teachers for night schools and also conducting Sunday school.

Eighty-nine per cent of all state convicts are negroes.

The counties also lease their prisoners (any person sentenced to less than two years' confinement is a county prisoner), and have them scattered at will throughout the State. Their condition is generally much worse than State prisoners.

County jails.—The sheriff is jailer. There are no regulations for supervision or reports, except periodically to county judge, of names and offenses of prisoners.

Industrial School.—The State report, 1899 (National Conference of Charities and Corrections), says: "The last legislature established a State industrial school for white boys."

TEXAS.

[Sayles's Civil Statutes, 1897, with Supplement, 1900.]

A board of commissioners is appointed by the governor, with consent of senate, for two years. They have general control and management of the penitentiaries; may provide for the productive labor of convicts, either in or out of the penitentiaries, either under contract or on State account system, providing farms for those not otherwise industrially capable. The placing-out system is to be done away with as soon as practicable.

The penitentiaries may not be leased, and convicts hired out are always under control of State.

The commissioners make biennial report to the governor.

A superintendent of penitentiaries is appointed by the governor, with consent of senate, for two years. He has general supervision and control of all the penitentiaries, being the principal executive officer of each. He is *ex officio* president of the board of commissioners, and as such makes a monthly and a biennial report to the governor.

An assistant superintendent for each penitentiary is appointed biennially by the governor and senate, and is practically the warden in each case.

Two inspectors are biennially appointed by governor and senate to inspect penitentiaries and convict camps monthly, making report to the superintendent. A financial agent is appointed biennially by the governor and senate. He is the purchasing, selling, and disbursing agent of all the penitentiaries. He makes itemized monthly reports to superintendent and board of commissioners, and also summarized biennial report.

Jails are built and kept in order by the county commissioners' court, which is composed of the county commissioners, with the county judge as president. The sheriff is jailer. County convicts may be hired out, either by private contract or public auction, the hirer to give bond for payment to county and humane treatment of laborer.

Workhouses may be established and controlled by county commissioners' courts, as also work farms.

House of correction and reformatory.—The government is vested in the governor, three trustees, and superintendent. The trustees are appointed biennially by the governor and senate. They take control and supervision, holding quarterly meetings, and making quarterly and annual reports to the governor. The superintendent is appointed by the governor, has entire control and management, and makes quarterly and annual reports to the governor.

FLORIDA.

[See Revised Statutes, 1892, Title IV, ch. 3, arts. 2 and 3.]

The board of commissioners of State institutions is provided for in the constitution, Article IV, section 17, which reads as follows: "The governor and the administrative officers of the executive department shall constitute a board of commissioners of State institutions, which board shall have supervision of all matters connected with such institutions in such manner as shall be prescribed by law." It is the duty of this board to establish a State prison, to provide rules and regulations for its government, and have general supervisory and protectory control of property, business, and government of the prison, and for this purpose they shall visit the prison at least twice a year. The prison shall be under the immediate supervision of the commissioner of agriculture, who shall, subject to the approval of the board of commissioners, appoint a superintendent and physician, and such number of guards, nurses, and watchmen as may be necessary for the proper management of the prison.

The commissioner of agriculture is also provided for in the constitution, Article IV, section 26. In addition to being at the head of the department of agriculture and immigration, he has other duties, among which is the supervision of the State prison.

In this supervisory management he is responsible to the board, to whom he makes monthly reports and submits all important matters.

Jails.—Jails are under the general management of the county commissioners, subject to the immediate control of the jailers.

INTERNAL LIFE OF PRISONS.[a]

This compilation from the numerous reports and statements kindly furnished by wardens and superintendents is by no means as full and complete as we might desire. To print all would fill a larger volume than the entire proceedings of the National Prison Association for a year. Many officials failed to send the documents requested, and printed documents do not always supply the information which we wish to have.

In order to save space and offer the most suggestive and instructive material the following scheme has been adopted. Four "types" of establishments have been selected for illustration: I, the penitentiary or State prison; II, the reformatories or intermediate prisons, including institutions for women; III, local prisons, jails, county workhouses, city bridewells, etc.; IV, reform schools.

Under each "type" we have given illustrations of the methods of "prison discipline" under eight topics: (1) Methods of studying the nature and disposition of the prisoner, which is the condition of all intelligent and discriminating dealing with him; (2) grading and marking; (3) instruction, literary and technical; (4) moral and religious influences; (5) rules of conduct relating to duties of person, property, and social order; (6) rewards, or appeals to hope; (7) disciplinary punishments, or appeals to fear; (8) care for persons discharged, conditionally, on parole, or finally. It will be noticed that we arrange these measures in a descending scale, the higher appeals being placed first and the appeals to fear coming in as a last resort. This is the order in which our best wardens seek to apply discipline.

By "prison discipline" we mean to include in this discussion all the direct means used by prison authorities for training the prisoner, for reforming him, and for fitting him for his normal place in society as a man and a citizen. In this larger idea of the purpose of discipline the "disciplinary punishments" form only one class, and these are used only as a last resort and with comparatively few prisoners.

The documents of the Federal prison at Fort Leavenworth, Kans., are printed with much fullness because they may be taken to represent the best tendencies in the United States.

Documents mentioned in this Digest have been received from the following institutions and used in making this report:

State prisons or penitentiaries.—The State Penitentiary for the Eastern District of Pennsylvania, Indiana State Prison, Minnesota State Prison, Ohio Penitentiary,

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[a] A large part of this material for the United States has been printed in the Proceedings of the National Prison Association for 1902. In collecting the documents generous assistance was given by Mr. A. Garvin and by many wardens and superintendents, to whom grateful acknowledgments are here made. The form and language of a "report" are retained.—C. R. H.

Massachusetts State Prison, Connecticut State Prison, Iowa State Penitentiary, Maine State Prison, Wisconsin State Prison, California (Folsom) State Prison, Pennsylvania Western Penitentiary, Illinois State Penitentiary, Colorado State Penitentiary, Federal Prison (Fort Leavenworth, Kans.). South: Virginia State Penitentiary, Louisiana State Penitentiary and farms, West Virginia Penitentiary, Texas State penitentiaries, Arkansas State Prison, Arizona Territorial Prison.

Reformatories or intermediate prisons.—Pennsylvania, Illinois, Indiana, New York (Elmira), Colorado, Kansas, Massachusetts.

Women's reformatories.—Massachusetts (Sherborn), New York (Hudson).

Jails and workhouses.—*Jails.*—United States Jail, Washington, D. C.; Cook County, Ill. (Chicago).

Workhouses.—Allegheny County (Pa.), Newcastle County (Del.), Essex County (N. J.), Deer Island and South Boston (Mass.), Blackwells Island (N. Y.).

Reform schools.—Indiana Reform School for Boys, Illinois Reformatory, South Dakota Reform School.

PENITENTIARIES OR STATE PRISONS.

(*a*) CELLULAR.—The State Penitentiary for the Eastern District of Pennsylvania enjoys the distinction of being the only example of its class in the United States.

(1.) **Examination.**—On the arrival of a convict, the physician examines the state of his or her health. He or she shall then be examined by the clerk or the warden in the presence of as many of the overseers as can conveniently attend, in order to their becoming acquainted with his or her person and countenance; and his or her name, height, apparent and alleged age, place of nativity, trade, complexion, color of hair and eyes, and length of his or her feet, to be accurately measured, shall be entered in a book provided for that purpose; other marks shall be noted. The moral inspector is required to inquire into the mental condition of prisoners; and to obtain, as far as he can, a knowledge of their general character. The overseers learn the industrial capacity of the convicts, and observe their daily conduct, and inform the warden.

(2). **Marking and grading.**—This prison, being a cellular establishment, and aiming to treat each prisoner as an individual, has no use for grades or classes. The convicts do not work in gangs, and are separated from each other as far as possible. When they take exercise in companies they wear face masks. The distinctions of rank by dress would have little meaning.

(3 and 4.) **Instruction.**—The moral instructor shall devote his time to the religious, moral, and intellectual instruction of the prisoners, visit each in his cell at least once in thirty days, and call in an outside clergyman or other religious person if requested by the convict. Illiterates are instructed by one of the overseers.

(5.) **Rules of conduct relating to person, property, and order.**—Few rules are made.

(6.) **Rewards and privileges.**—Under the commutation law of 1901, a convict can earn, by good conduct, five days on each month during the first year of sentence; seven and one-half days on each month during the second year; ten days on each month during the third and fourth years, and twelve and one-half days on each month for the fifth and each subsequent year of the term of his sentence. This applies only to sentences of one year or more. Convicts receive credit for work beyond the required task. Tobacco is given in some cases for extra work.

(7) **Disciplinary punishments.**—Overseers shall refuse breakfast to any convict who may not have arisen and washed when breakfast is served, and shall refuse food whenever unclean utensils are presented for its reception.

Corporal punishment will not be permitted except when absolutely necessary to the subjugation of a refractory convict. If a convict disobeys orders or rules he must first be admonished. If he continues to disobey he must be removed to a cell by himself—without force, if possible. If force is necessary for his removal such force may be employed only in the presence of the warden or principal overseer.

Others.—Deprivation of light during the evening, the use of the library, and in more serious cases, or when these fail in effect, a reduction in the diet; and as an ultimate coercive force the offender is placed in an empty cell with no other food than bread and water until he submits to authority.

(8) **Care of discharged prisoners.**—A certificate of good conduct may be given by the warden. Four dollars are paid by the State at discharge. Voluntary associations give aid. There is no conditional release or parole.

[Eastern State Penitentiary, Pennsylvania. Sources: Rules governing overseers and watchmen, 1902. Pennsylvania Commutation Law, 1901. Two of the laws relating to the management of the Eastern State Penitentiary, 1898. The Pennsylvania Prison System, by Richard Vaux, 1884. Seventy-second report. Warden Cassidy on Prisons and Convicts. Richard Vaux, brief sketch, 1872.]

(*b*) CONGREGATE PENITENTIARIES—NORTH.

(1) **Examination.**—The Bertillon system of measurements and records has been introduced into some of the institutions and grows in favor. It forms the basis of further individual studies of convicts. The warden, the deputy warden, and the chaplain seek to know all that is possible of the physical, intellectual, and moral nature of each prisoner. The court record sent with the convict usually contains very little information of value, but might be made very helpful with some care on the part of the trial judge and his assistants.

Indiana State Prison (*Michigan City*).—The methods adopted by the warden in securing a full and complete history of each prisoner enables the board of parole to intelligently pass upon all cases seeking parole, and from the records we find that few mistakes have been made. While the records we have at command enable us to help those that are worthy, they also aid us, with the provisions of the indeterminate sentence law, to keep within this institution the professional and confirmed criminal. No department aids more in this work than that of the Bertillon system of measurements. (Report 1900, pp. 8, 9.)

Minnesota State Prison (*Stillwater*).—When prisoners are delivered at the prison, after the examination of commitment papers by the clerk, the prisoner is turned over to the deputy warden. He is thoroughly bathed and exchanges his citizen clothing for that of a second-grade suit at once, after which he is taken to the deputy warden's office and carefully informed and instructed as to the rules and regulations of the institution. He is photographed and the Bertillon measurement is taken, after which he is turned over to the prison physician for a careful examination as to his physical and mental condition, etc. After a new prisoner is bathed, shaved, and placed in a second-grade suit, and has been thoroughly informed and instructed in all the rules and regulations of the institution, the deputy warden turns him over to the prison physician, who carefully examines him. The prisoner is then assigned to such work as he is best adapted to, under the advice and instruction of the physician, shortly after which the warden interviews him and he is followed by the chaplain.

(2) **Grading and marking.**—It is becoming more customary to divide prisoners into two or three grades and to promote or degrade according to conduct.

Ohio Penitentiary (*Columbus*).—There are three grades—first, second, and third, the first being the highest, the second the intermediate, and the third the lowest.

First-grade men are dressed in suits with perpendicular black stripes down the outside of the pantaloons. Third-grade suits shall consist of horizontal black and white stripes.

Each prisoner committed to the penitentiary for the first time will enter the second grade. He is promoted or degraded in rank according to his marks.

[Sources: Manual for the use of prisoners, 1902. Laws (from Bates's Annotated Ohio Statutes). Rules and regulations governing the officers and guards, 1900. Library catalogues.]

Massachusetts State Prison.—No mention of grades.

[Sources: Rules and regulations, 1900.]

Connecticut State Prison.—Three grades—first, second, and third—the first being highest. Convicts in the first grade will be clothed in a suit of blue, those in the second grade gray, and those reduced to third grade black and white stripes.

Prisoners may lose their grade (1) by such violation of prison rules as shall necessarily subject them to solitary confinement; (2) for general disorderly conduct; (3) for habitual laziness, untidiness, or negligence.

[Sources: Library catalogue and rule book, 1902. Rules and regulations, 1902,]

Iowa State Penitentiary.—Grade system introduced in 1900.

Minnesota State Prison has three grades.

Maine State Prison (*Thomaston*).—No grades mentioned.

[Sources: Rules and regulations, 1890. Letter of chaplain, Rev. C. A. Plumer.]

Wisconsin State Prison (*Waupun*).—Three grades—first, second, third—the last being lowest.

[Sources: Rules for the government of prisons, 1901. Rules and orders for the Wisconsin State Prison, 1897.]

State Prison at Folsom, Cal.—No grades. I believe in the graded system, and hope that it may some day become a feature of California penal institutions. (Thomas Wilkinson, warden.)

Western Penitentiary at Allegheny, Pa.—This prison established 1826 (under law of 1816). Law, amended in 1829 and 1869, defines the duties of officers and inside control. In 1869 the law was passed which granted the inspectors the authority to "assemble the prisoners for labor and worship." This law changed the separate system to the congregate system of control, which continues.

Two grades; after six months of exemplary conduct, prisoners can be transferred from grade two to grade one, in which grade the change of clothing is made from the striped uniform to plain dark gray, and the prisoner is entitled to a larger cell. Careful records of conduct are kept.

[Sources: Commutation law, 1901. Letter of Warden W. McC. Johnston.]

Illinois State Penitentiary (*Joliet*).—The grade system is used in this establishment. Records of conduct are kept as basis of grades, "good time," and parole.

[Sources: Report of Commissioners, 1900. Rules and regulations. Letter of Warden E. T. Murphy.]

(3, 4) **Instruction and personal influence, and religion.**—*Illinois State Penitentiary* (*Joliet*).—Chaplain holds public services, visits prisoners, gives counsel, furnishes Bibles at the expense of the State, reads the rules to new prisoners and enforces them by advice; has charge of the library. He must avoid sectarian efforts. He shall, when required by the commissioners, give instruction in the useful branches of an English education to such prisoners as, in the judgment of the warden, may require the same, between 6 and 9 p. m. The chaplain is not required to examine letters; the usher does this work.

Western Penitentiary of Pennsylvania (*Allegheny*).—Illiterates are accorded the privileges of the day school. There is a library of nearly 10,000 volumes. Daily papers and standard magazines are subscribed for and admitted in large numbers. Religious services are held Sabbath morning in female department and hospital ward; general chapel service at 10 o'clock. Song service 2 p. m. Bibles and religious tracts and newspapers are distributed. Catholic priest holds service Sabbath morning. National holiday is observed as rest day.

Iowa State Penitentiary.—The chaplain conducts religious services. Library is in care of chaplain. School five and one-half months, five evenings of week; chaplain directs, assisted by five convicts.

Wisconsin State Prison.—The chaplain conducts chapel services, visits the convicts in their cells and hospital, cares for the library, examines mail of prisoners, and gives such secular instruction as he thinks necessary.

Colorado State Penitentiary.—The chaplain holds service and conducts Sunday school; superintends school and library. School has been changed from night to afternoon. Eight teachers assist. A Catholic priest holds service on Sundays.

Maine State Prison.—Chaplain is appointed by the governor for two years. He conducts religious services and labors for the mental, moral, and religious improvement of the convicts. They are fitted to obtain employment after discharge. The chaplain may have a Sunday school with teachers from the outside.

California State Prison (*Folsom.*)—There are no schools or classes of instruction at the State prison. Attendance on religious exercises every Sunday is compulsory.

Ohio State Penitentiary.—All the "rules of conduct" have an educational value and purpose. A library is provided, general and Catholic. The chaplain furnishes a Bible or Testament to each convict; preaches and conducts worship every Sunday; conducts a Sunday school; visits prisoners; has charge of the library. The superintendent of schools, with the aid of educated prisoners, conducts a school chiefly for the illiterate men.

Massachusetts State Prison.—Books and magazines are supplied for reading; a chapel service is held; a chaplain gives moral and religious instruction, acts as superintendent of the prison school, and has charge of library.

Connecticut State Prison.—Library, chapel, and services of a chaplain; a prayer-meeting is held. The chaplain is librarian, with convicts for assistants; he has charge of the correspondence of prisoners, superintends the school, and supervises the prison paper—the Monthly Record.

Indiana State Prison.—Chaplain holds service Sunday morning, and all prisoners attend. There is "plenty of music and comments on current events." A Christian Endeavor Society admits only first grade men. There is an orchestra of prisoners; a library is kept, under the chaplain's direction. Educational work is confined to a night school, when only illiterates are instructed by convicts. The chaplain also acts as State agent, travels to find employment for and visits the discharged men.

Minnesota State Prison.—The State provides a Protestant and Catholic chaplain to look after the religious instruction of the inmates of the institution. Religious services are held at 9 o'clock every Sunday morning, and alternates between Protestant and Catholic. Prisoners are not compelled to attend religious services. Sunday school or Bible class is held Sunday afternoons and is open to all prisoners who care to attend.

We have ten holidays during the year. On these occasions good entertainments are given in the chapel, the best we can get. Occasionally we have theatrical companies and sometimes good readers, and a fine musical programme. These entertainments usually last from one and one-half to three hours, depending upon the nature of the talent and the programme, after which the prisoners are given (during the summer, spring, and fall months) three or four hours in the park of the prison yard, where they are allowed the utmost freedom to enjoy themselves as they see fit, provided they do not quarrel, attempt to settle old disputes, or otherwise conduct themselves in a disorderly manner. I wish to testify to the good influence these privileges have, and I know of no better way of emphasizing it than to say that the granting of these privileges has been in vogue for the last eleven years, and during all this time there have been but two prisoners who have taken advantage of them. (Letter of warden.)

(5) **Rules.**—*Illinois Penitentiary* (*Joliet*).—(1) Persons: Sixteen rules for government of convicts including: Obedience to rules and officers; the rule of silence in work and silence with visitors; respectful demeanor with officers; insolence or abusive language to officer, foreman, or to another convict not tolerated; bathing required once a week in summer, and once in two weeks in the winter, unless excused. (2) Property: Steady labor required. Cell and furniture to be kept in good order. No marking, scratching the walls, or spitting on the floor will be allowed. No alterations in clothing or furniture permitted. Knives, tools, pencils, paper, etc., may not be taken to cell. (3) Social order: Directions are given for rising, combing, marching, work, approaching officers. Chapel service: "You will step out promptly, if you desire to attend; if not, you are required to remain in your cell and keep quiet. In chapel you must sit with arms folded and silence must be observed. No reading will be allowed. Strict attention must be given to the service. Spitting on the floor, shuffling of the feet, or any unnecessary noise is strictly forbidden."

Minnesota State Prison.—The "Rules for government" give minute regulations for officers and for convicts.

Western Penitentiary of Pennsylvania.—Order: The rules of the prison demand quiet, and dignity of action in movement from cell to workshop and in all parts of the prison.

Maine State Prison.—The rules and regulations give 21 rules for government of convicts, including obedience, proper treatment of officers and fellow-convicts, care of prison property and food, and a regular order for each day, rising, marching, conduct in halls, in shop, in chapel.

New Jersey State Prison.—Prisoners shall not at any time, under any pretense, without leave, speak to visitors, nor receive from them any letter, paper, tobacco, or anything whatever; prisoners are not allowed to carry knives, pencils, paper, or tools of any kind, or any material whatever, from the shops to their cells; no prisoner shall willfully injure his work, tools, wearing apparel, bedding, or any other thing belonging to or about the prison. nor will any prisoner be suffered to mark, injure, or in any way deface the walls of his cell, nor shall he execute his work badly when he has the ability to do it well; prisoners are not allowed to make any fancy articles for anyone, unless under the direction of the supervisor, and in such case the State must receive pay for both labor and materials. Prisoners must approach an officer in a respectful manner, and never address an officer on matters not connected with their immediate wants or needs. Insolence or abusive language to an officer will be sufficient cause for punishment. Prisoners are required to bathe once each week in summer unless excused by the principal keeper or physician. At the ringing of the morning bell, prisoners are required to arise, dress, clean their cells, make their beds neatly, and after eating breakfast, be ready to march to the shops, or to any other place to which they may be assigned to labor; at the signal to fall in for marching they must take their places in line, march in lock step, with the right hand upon the shoulder of the man in advance, always face to the right going to the shops and to the left in returning from the shops. In passing through the yard they shall not leave the line without permission. They are not to leave the place where they are put to work, nor the work which they are set to do, without permission; they are not to suffer their attention to be taken from their work to look at visitors, nor are they to gaze or look at them when unemployed. They shall employ themselves diligently with whatever labor they may have in hand, and after reasonable teaching perform the amount of labor required. They shall not write notes to other convicts or carry notes from one convict to another, nor shall they be allowed to trade or exchange tobacco or any article whatever with each other or with any employee of the prison. At the ringing of the evening bell prisoners must retire.

Wisconsin State Prison.—Each prisoner is permitted to have in his cell one Bible, one cup, one mirror, one cuspidor, one spoon, one face bowl, one dish bowl, one piece of hard soap, one comb, one hairbrush, blankets, sheets, pillowcases, nightshirt, mattress, bedstead, camp stool, one table, one water jar with cover, one electric light, one small library shelf, one library catalogue, one book of rules, and such school and library books as conduct and grade privileges permit. You are warned that malicious injury or destruction of property, tools, and machinery belonging to the State or any other person will render you liable to criminal prosecution under the laws of the State. No private work will be allowed in the shops. All trading and bartering between prisoners or between officers and citizens and prisoners is strictly prohibited. No presents are to be received. All letters and papers shall be examined at the office under the direction of the warden before being mailed or delivered. Mail taken from post-office for prisoner only on signed authority from the prisoner and permission to inspect. Sealed letters may be sent to the board of control, with complaints; but no other letters shall contain criticisms of the prison. Friends may send specified articles; immoral publications are excluded. Dining room rules, mailing rules, labor rules, given in detail. Observe the rules and obey the officers; be quiet everywhere and at all times; talking with convicts not permitted, nor with visitors without permission; with officers only concerning duty or conduct as a prisoner. Insolence, profanity, or obscenity will not be tolerated. You may talk to your cellmate, if you have one, but in low tones only. Do not talk or call to men in other cells. Do not whistle, sing, or make any unnecessary noise. You will be promptly reported and severely punished if you unnecessarily, and with intention of annoying, jostle or push against another prisoner, or in any way provoke another prisoner to anger. Making faces or insulting gestures will not be tolerated. Any trick, by which another prisoner is led into violation of rules and loss of time will lead its author into severe punishment and reduction to the third grade. In speaking to an officer stand at two paces' distance and speak distinctly; it is not necessary to breathe into an officer's face to make him hear you. Do not pass closely in front of an officer, or between two officers who are conversing, and do not interrupt unless you are a messenger charged by another officer with very urgent and important business. You must not chew tobacco while marching in line or while in the dining room. You must not spit upon cell house or corridor floors or upon dining-room floor; cuspidors will be provided and must be used. When you go to sick call be sure that your mouth has been rinsed out and that no tobacco stains are on lips or tongue. To attract your officer's attention raise your hand; do not hiss at him, or call to him, or make any noise to attract his attention, for which you should not have long to wait. You are not to warn any officer of the approach or movement of the warden or deputy warden, nor are you to warn any other prisoner of the presence or movements of an officer or guard. Any interference of this nature with the business of the officers of the institution will certainly result in your punishment and loss of good time. Do not stare at officers or visitors. Impudent staring will be considered and reported as insolence. Do not gaze around the shop, but pay attention strictly to your work. You must approach an officer or guard in a respectful manner, taking off your cap, or touching the cap if out of doors, before speaking to him; use the officer's last name always with the title "Mr." and with no other title. In addressing the officer, if you do not know his name, say "Sir," and proceed with your communication. You are not to answer or respond if addressed by your first, or given name, as the undue familiarity between officers and prisoners, which such a custom breeds, will not be tolerated. You must not place your hand upon an officer or foreman, or touch their clothing, or in any way come into close personal contact with them.

Ohio Penitentiary.—Conduct rules and list of offenses are printed in the manual for prisoners.

Massachusetts State Prison.—Rules for prisoners give 28 rules for conduct. Punishment is threatened for violation.

Connecticut State Prison.—Thirteen rules printed and a list of 45 offenses; besides, shop rules, cell-house rules, chapel rules, hospital rules, grade rules, library rules; the offenses are not classified or graded, but arranged alphabetically.

Iowa State Penitentiary.—Rules not in document sent.

(6) **Rewards and privileges as motives to obey rules.**—Hope is an incentive to obedience to rules. It is well known to psychologists and physicians that motives addressed to fear and causing pain tend to weaken a person, while motives of hope, joy, pleasure, gratitude leave one stronger and more energetic. Coleridge said: "Education is to be speeded forward by encouragement, beckoning on from before, rather than by fear urging on from behind. The former gives power, while it inspires desire to advance; the latter with its envenomed goad, stupefies in attempting to stimulate." (Works, IV, 480.)

California State Prison (Folsom).—The only rewards to prisoners are the benefits of the Goodwin credit act. Every convict who shall have no infraction of the rules and regulations of the prison, or laws of the State, recorded against him, and who performs in a faithful, orderly, and peaceable manner the duties assigned to him, shall be allowed from his term a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term, and pro rata for any part of a year, when the sentence is for more or less than a year. (Act of March 19, 1889.) The board of directors determines all questions of administration of the act. Each prisoner is allowed to correspond with his attorneys and relatives once each month, and no oftener, except in cases of serious illness or by special permission, and he may be visited once a month, by permission of the warden; visits must be in presence of ushers and in audible tone. For any violation of the rules, the privilege of correspondence will be withdrawn. Packages of tobacco, fruit, food, or wearing apparel sent to prisoners will not be admitted. Prisoners will not be permitted to manufacture articles on their own account, to be sold or sent out to friends or to be bartered in any way.

Illinois Penitentiary (*Joliet*).—Privilege tickets given at entrance. One ration of tobacco given each week. Permission to write once in five weeks. Permission to see friends once in eight weeks. Permission to receive such weekly papers as the warden may approve. Special letters by permission. For good conduct during the entire term of imprisonment one has a right to demand a certificate of good conduct. This recommends to the governor for restoration to citizenship.

Western Penitentiary, Pa.—Under the present conditions of prison labor in Pennsylvania it is not possible to be so liberal as heretofore with wages to prisoners for overwork.

Iowa State Penitentiary.—Good time and hope of parole.

Maine State Prison.—Writing to friends. Receiving visits. "Good time" for good conduct.

Ohio State Penitentiary.—The chief incentive of hope is that of earlier parole and freedom. Prisoners in the first grade may be visited by friends and relatives twice a month; those in the second grade, by relatives only, once a month; those in the third grade, not at all. Prisoners in the first grade may write every second and every fourth Sunday; those in the second grade, every third Sunday; those in the third grade not at all. Prisoners in the first and second grades may receive fruit, pastry, etc., from friends once a month and on legal holidays. Prisoners in the third grade will be allowed to receive nothing sent to them from the outside. Library privileges are extended for good conduct. Earnings of prisoner credited for family and for care after discharge, lost by misconduct.

Massachusetts State Prison.—Hope of reducing maximum sentence. Every prisoner whose record of conduct and labor is perfect may be entitled to receive a visit once a month from such person as the warden may approve, to write not exceeding sixteen letters in one year to such persons as the warden may approve, and to have such books, newspapers, or magazines as the warden may allow.

Connecticut State Prison.—Privileges are connected with the grades: (1) The first-grade men shall be entitled to the following privileges: To write one letter a week, to receive letters from friends every two weeks, to receive such letters, weekly papers, and periodicals as the warden may approve, and from time to time such additional privileges and immunities not herein enumerated as may be considered safe to concede as a special reward for meritorious conduct, having at all times in view the best interests of discipline and good order; (2) second-grade men shall receive visits from friends once a month, letters, weekly papers, and periodicals as the warden may approve, and write once a month; (3) third-grade men receive nothing from friends, write no letters or receive them (save in urgent cases), and draw one book a week.

Wisconsin State Prison.—(1) The greatest of all privileges is the shortening of sentence for good conduct under the "good time" law; for the first year, one month; second year, two months; third year, three months; fourth year, four months; fifth year, five months; sixth year, six months; seventh year, six months. (2) Earnings available only to a prisoner upon his discharge from prison and computed at the rate of 3 cents per day for the first year, and 1 cent per day for the remainder of the term of sentence. He is also given clothing and transportation to the place of conviction or an equal distance in any other direction. The earnings of life prisoners are credited to them at the end of each year's service, at same rate as short-term men. (3) Grading rules: First-grade men, one ration of tobacco each week; electric light in his cell; visits from friends once in four weeks; permission to write a letter on the first and third Sundays of the month; permission to receive weekly newspapers and periodicals approved by the warden; permission to draw books from the library; permission to receive from friends on holidays one express package of not more than six pounds, which may contain articles enumerated under mail and express rules; other holiday privileges at the discretion of the warden. Second-grade men: Permission to write on the third Sunday of the month; electric light in cell; permission to draw one book from the library every two weeks. Third-grade men: Denied all the privileges except in case of necessity, by special direction of the warden.

Minnesota State Prison.—The only form of punishment is that of confinement in a solitary cell on bread and water. The privileges are graded.

(7) **Punishments, disciplinary.**—*Illinois State Penitentiary* (*Joliet*).—The only disciplinary punishments allowed are, first, taking from prisoners one or all of their privilege tickets; second, reduction in grades; third, solitary confinement on short rations of bread and water; fourth, handcuffing prisoner to the grated cell door at the height of his breast. Corporal punishments of any kind are prohibited by the statute.

Western Penitentiary of Pennsylvania.—For slight breaches of rules, cellular seclusion in common cell, with deprivation of privileges, and for greater breaches of rules separate confinement in dark cells. No cage, no whipping, no cruel punishment tolerated. A punishment record kept by deputy warden. Loss of "good time."

Colorado State Penitentiary.—The warden says: As I am a believer in corporal punishment, that method has been used with but few exceptions. There are few punishments. Privileges are taken away for light offenses. Dungeon in rare cases. Out of 1,012, 161 have been disciplined. Reformatory: Loss of marks and grades.

Ohio State Penitentiary.—No other punishments mentioned than that of loss of grade, privileges, and "good time." The only disciplinary punishments of prisoners allowed to be administered in this prison, unless otherwise ordered by the warden, shall be: (1) Solitary confinement on short rations of bread and water; (2) handcuffing prisoners in the grated cell at the height of his breast; (3) by assessing him and taking all or a part of "good time" earned from a prisoner; (4) or by withholding tobacco from him for a limited time, or by suspending him from school for a limited time, or preventing him from attending chapel services, Sunday school, or prayer meeting, or by withholding visiting permit from him, and such other punishment as in the judgment of the warden may be necessary to enforce good discipline. The deputy warden assigns the punishments and keeps a record of offenses and punishments.

Massachusetts State Prison.—Such punishment as the warden may direct. Deprived of privileges for one month or longer. Held for maximum sentence.

Connecticut State Prison.—No list of disciplinary punishments in document sent. Degradation from rank and consequent loss of "good time" mentioned.

Wisconsin State Prison.—(*a*) Depriving inmates of their privileges; (*b*) solitary confinement on short rations of bread and water; (*c*) handcuffed to a screened cell door. It will not be allowed to inflict corporal punishment. The loss of "good time" is always feared as a consequence of violating the rules. Deductions are made from credited earnings at the rate of one-fifth of a cent a day.

Maine State Prison.—Loss of "good time." Loss of privileges, as writing, receiving visitors. The deputy warden awards punishments, free from personal vindictiveness, sufficiently severe, without cruelty, to secure the end desired, reporting to warden. Solitary confinement, as punishment for the violation of the rules of the prison, shall be inflicted upon the convict in a cell and he shall be fed on bread and water only, unless the physician certify to the warden that the health of such convict requires other diet. (Laws of Maine.)

Folsom State Prison (*Cal.*).—We do not chain, cage, or whip prisoners; our punishment consists in solitary confinement with bread and water and partial or total suspension of privileges. A punishment record is kept by the captain of the guard. We do not require prisoners to keep their hair closely clipped, but with every punishment the hair-clipping constitutes part of the punishment. § 22 of the Penal Code gives prisoners the right to grow their hair or beard to suit themselves during the last ninety days of their term.

(8) **Care of discharged prisoners.**—*Wisconsin State Prison.*—No conditional parole law. The care of prisoners ceases with discharge.

Folsom State Prison (*Cal.*).—Upon release, prisoners shift for themselves; the State vouchsafes them no aid beyond the prison gates. By the statutes they are allowed a suit of clothes, the cost of which is not to exceed $10 (§ 22, Penal Code). Our prisoners receive no financial compensation for labors performed. Upon their discharge they receive what money or property they brought with them and the State allowance of $5. There is, however, for prisoners not convicted of murder, nor previously convicted of a felony, a possibility of parole after the expiration of a minimum of one year. (Act of March 23, 1893.) This is administered by the State board of prison directors of California. See rules and regulations of this board for the paroling of prisoners (1893).

Illinois Penitentiary (*Joliet*).—A parole agent is employed whose duty it is to secure employment for paroled prisoners. Prisoners may make time by good conduct. Prisoners released given a new suit of clothes, $10 in money, and transportation to their destination. Paroled men are required to report on the first of each month until they have served the required twelve months satisfactorily, when they are granted their final or absolute discharge.

Western Penitentiary of Pennsylvania.—No parole law. Commutation law gives for good behavior: One year's sentence, two months; ten-year sentence, three years seven months; twenty-year sentence, seven years nine months; forty-year sentence, sixteen years one month. There is no State agent in Pennsylvania whose duty it is to specifically care for discharged prisoners and secure employment, so this duty is assumed by the Allegheny County Prison Society and the chaplain of the prison. Transportation money given, $5 to $10.

Ohio State Penitentiary.—See compilation of the laws relating to the penitentiary. Court may give a general sentence to the penitentiary, terminable by the managers, but not to exceed maximum sentence for the crime; this privilege confined to those not charged with murder, who has not previously been convicted of a felony and served a term in a penal institution. He must serve the minimum sentence; he may be conditionally released on parole; liable to be retaken for cause. All prisoners may have sentence reduced by good conduct.

Maine State Prison.—No parole mentioned. "Good-time" law; chaplain to aid when possible in obtaining employment; $5 and a suit of clothes when discharged.

Massachusetts State Prison.—On discharge suitable garments provided. "Good-time" law.

Connecticut State Prison.—"Good-time" law (new, 1902) grants sixty days a year for the first five years and ninety days a year thereafter, to convicts serving more than one year, for good conduct. There is also an indeterminate-sentence law, and a board of parole with rules. (Act approved June 17, 1901.) Excluded from this law are convicts sentenced for a capital offense or for life term. Maximum term fixed by law for the offense. A minimum term is fixed by court. The board of parole is made up of the board of directors and the warden. They can give final discharge before end of maximum sentence if convinced that the person will lead an orderly life.

Iowa State Penitentiary.—Chaplain seeks to help paroled and discharged men to secure employment; but as yet no systematic State effort.

Colorado State Penitentiary.—In the Fourth Biennial Report of the State Board of Pardons (1899–1900) the laws of many States on subject of pardons by governors and by boards of pardons. Colorado has a board of pardons. The votes are nearly equally divided between the two methods of showing executive clemency. Law of 1899 (August 3) permits paroles for "good time."

Indiana State Prison.—Under the indeterminate sentence law men may be paroled by the board of parole, if they have conducted themselves well and are not habitual offenders. The State furnishes a $6 suit of clothes to each discharged prisoner. The suits are made from cloth of different patterns and fitted to the person by a tailor. The chaplain gives much of his time to the labor of securing places of employment for men about to be discharged on parole, and holding them to good conduct when they are conditionally released.

Minnesota State Prison.—Each prisoner receives $25 in currency upon his discharge, with a suit of clothes, and a good overcoat, if discharged between October 1 and April 1. The parole system has been legal for eleven years. We have a State agent whose duty it is to secure work for discharged and paroled prisoners. He is required to visit the prison at intervals and to personally interview every prisoner from ten to twenty days prior to prisoner's discharge, ascertain his wishes, his requirements, etc.; if he wishes to leave the State, to get his transportation at reduced rates; if he wishes to remain in the State, and wants a position, to find one for him and make a report of his findings and the requirements of each prisoner with what he (the State agent) is to do for him or them, immediately after such interview has taken place. The State agent is required to make a monthly statement of what he has actually done for each discharged prisoner. He is also required to report upon each prisoner who has been paroled, the work that has been found for him, how the paroled prisoner is getting along, etc.

(*c*) FEDERAL PRISON AT FORT LEAVENWORTH, KANS.

(1) **Examination** by deputy warden and physician at admission. The chaplain receives a statement of the religious and educational antecedents of the prisoner, and of his parental and conjugal relations.

(2) **Grades and marks.**—Grades mentioned; no details given. Stripes a mark of degradation. Red numbered prisoners mentioned. All violations of rules are recorded with chief clerk. The exact system of marking credits and debits not given.

(3 and 4) **Instruction and religion.**—The chaplain is to conduct religious services; study the life history of prisoners; minister to their spiritual wants; visit them in their cells; furnish a Bible to each one who desires it; visit the sick; select and distribute books from the library. Ministers may come from outside at request of a prisoner.

(5) **Rules** and (6) **Rewards** (**privileges**) and (7) **Punishments.**—*Rules for convicts.*—1. Your first duty is strict observance to these rules and to all orders of the officer under whose charge you may be placed.

2. You must observe strict silence in your cell, in dining room, in chapel, at sick call, and while marching through the yard.

3. You must not speak to, give or receive from visitors, anything, except by permission of the warden or deputy. Gazing at visitors or strangers passing through the penitentiary is strictly forbidden.

4. You are expected to apply yourself diligently to whatever labor you are assigned, and after reasonable teaching to perform the same amount of work as would be required from you as a citizen.

5. At every signal to fall in for marching take your place in line promptly. March with military step, attend to and promptly obey the orders of your officer.

6. You will be required to keep your person clean and your clothing tidy and in good order. You must not make any alteration in your clothing or cut your shoes. If they hurt you or need repairs report the fact to your officer. You must not carry tools of any kind, pencil, paper, or any material whatever from your work to your cell without permission in writing from the warden or deputy. Finding any of these things in your possession will be considered proof that you have violated this rule. Tinkering or writing notes to other convicts or carrying notes from one convict to another is strictly forbidden.

7. You must not carry upon your person or have in your cell, at any time, a knife of any description, without a written permit from the warden or deputy. A knife found in any prisoner's possession without such permission will be taken as evidence of his intention to injure an officer or fellow prisoner, and he will be punished accordingly.

8. You are not allowed to have any money on your person or in your possession, neither are you permitted to trade or purchase any article whatever. All of your business must be done through the warden.

9. You must approach an officer in a respectful manner. You must confine your conversation with him strictly to the business in hand. You must not address an officer on matters outside the penitentiary. Insolence in any form to an officer, foreman, or even to a fellow convict will not be tolerated.

10. On entering the cell house, dining room, chapel, or any of the offices of the penitentiary, you must uncover, unless your duties are such that you have special permission to remain covered.

11. When the bell rings in the morning rise promptly, make up your bed as instructed, clean your cuspidor, and sweep your cell. Then wash your face and hands and, at the command of the guard, pass into the yard with night bucket, marching by column of twos in perfect order.

12. On entering the dining room take your seat promptly—position erect—arms folded, with eyes to the front until the signal is given to commence eating.

13. Strict silence must be observed during the meal. Staring at visitors, talking and laughing, fooling or gazing about the room are strictly forbidden.

14. Eating or drinking before or after the bell sounds, using vinegar in your drinking water, or putting meat on the table are prohibited.

15. Should you desire additional food make your wants known to the waiters in the following manner: If you want bread, hold up your right hand; coffee or water, hold up your cup; meat, hold up your fork; soup, hold up your spoon; vegetables, hold up your knife. If you desire to speak to an officer about food or service in the dining hall hold up your left hand. Wasting food in any form will not be tolerated. You must not ask for or allow the waiter to place more food on your plate than you can eat. When through with meal leave pieces of bread on left side of plate. Crusts and small pieces of bread must not be left on your plate.

17. After finishing your meal place knife, fork and spoon on right side of plate. Sit erect, with arms folded. When the signal is given to arise, drop hands to your side. At the second signal march out and to your place in line in a prompt, quiet, and orderly manner.

18. In passing to and from the dining hall you must not gaze into cells or loiter in the corridor. Walk erect with your eyes to the front. It is strictly against the rules to carry out any of the dining hall furnishings, or to carry food to or from the dining hall at any time.

19. At the morning work hour, march to the yard and when your number is called answer promptly, take your place quietly and march to your work as directed by the officer in charge.

20. On entering the cell house in the evening, or at noon on Sunday, go to your cell quietly and promptly, close the door after you without slamming, and hold it

until it is locked. Then stand at "attention" until the count is completed. When the count is completed you will be notified by sound of the bell.

21. When at work give your undivided attention to it. Gazing about at visitors, or at other prisoners, will not be allowed. You must respectfully listen to and faithfully carry out all instructions given you by your foreman concerning your work.

22. You will not be allowed to leave your place of work except by permission of the officer in charge.

23. Careless or willful injury of your work or tools will be promptly reported.

24. In talking with your foreman confine yourself strictly to the work in hand. If you have any cause for complaint of your guard, foreman or others, you will be allowed to send application for an interview with the warden or deputy through your officer at any time.

25. Communication between prisoners while at work will not be allowed except by special permission of the officer in charge, and then only when absolutely necessary.

26. If you are sick or unable to work report the fact to the officer in charge, and act as he may direct. If you wish to see the physician, give your name and number to the officer immediately after entering the dining room in the morning.

27. All trading or bartering of whatsoever kind between prisoners or between citizens and prisoners, is strictly prohibited. You will not be allowed to give or to receive from a guard, foreman or citizen any present or gift under any circumstances.

28. During the noon hour, and on the march to and from the quarry and new prison site, prisoners outside the penitentiary wall may indulge in conversation as directed by the officer in charge, provided said conversation is free from profanity and vulgarity, is good natured and is not loud or boisterous.

29. Saturday afternoons, after bathing, take the furniture out of your cell, and scrub the cell perfectly clean with soap and water, then replace the furniture, and make careful inspection of the bed and bedding for bugs. If any are found report to the guard so that they may be destroyed and the penitentiary kept free from vermin.

30. On Sunday morning put your cell in order for inspection. When the bell taps remove all clothing except undershirt and drawers; roll the drawers above the knee and the shirtsleeves above the elbows; expose the chest, and during inspection stand at "attention" with arms folded.

31. After inspection, exhibit your clothing to the storekeeper, as he makes his rounds, and carefully obey his directions about turning any of it in for repairs or exchange.

32. At the morning sick call, stand quietly in line until your number is called, then pass quickly into the physician's office, receive and promptly obey his directions, and again take your place in line. No conversation or disorder of any kind will be permitted.

33. If ordered by the physician to the hospital for treatment you will be properly cared for, but to hold your place in hospital you must remain quiet and perfectly obedient. No disorder of any kind will be tolerated. While in the hospital you must be neat and tidy in habits and perfectly respectful in language to the hospital officers and nurses.

34. Fighting, and inciting others to fight, are acts especially condemned, and for either offense you may be reduced to stripes, and lose all "good time" at the discretion of the warden.

35. Under the law "good time" at not to exceed two months for each year, may be allowed. For violation of the rules you may lose any part of this "good time" at the discretion of the warden. A written record of all violations will be made.

36. When in the yard or in the cell corridors not at work, if approached by the warden or deputy warden, or by a guard in the company of visitors, you must stand at "attention," with arms folded, until they have passed.

37. When approaching an officer or guard of the penitentiary to speak to him, remove your cap, fold your arms and stand at "attention" until he directs you to proceed.

38. Gambling of all kinds is strictly forbidden.

39. Keep your library books and cell furniture clean and in good order. Marking the walls, spitting on the floor, corridors, or stairs will not be allowed.

40. Place your writing and tobacco tickets on cell door immediately after supper Saturday evenings, in plain view, otherwise these privileges will be withheld. You must return all writing material given you whether used or not. Failure to do this will deprive you of your writing privileges.

41. Strict silence must be observed in your cell at all times. Talking, laughing, reading aloud, shuffling of feet, drawing bench or night pail across the floor, or talking from cell to cell are strictly prohibited. You must not tamper with your electric light. If it does not burn properly report the fact to the officer on duty.

42. You will be entitled to the benefit of the library by following strictly the directions on the library card.

43. For willful destruction of clothing or exchanging any part of it with another prisoner, or destruction of penitentiary property, you may be reduced to stripes and lose your "good time."

44. Your cell is subject to search at any time. If articles are found that might be used to injure or destroy cells, you may be treated as an "escape."

45. Neither food nor medicines can be sent to any prisoner by private individuals outside the penitentiary.

46. In the prison dining room is a mail box in which can be dropped messages to the warden, deputy warden, or chaplain. Such messages must be brief, to the point, and signed by the prisoner's number.

Privileges.—You are not compelled to attend religious service, but you are specially requested to do so, because the moral support of religious instruction is necessary for all. All tobacco must be removed from the mouth before going to the chapel; no spitting on the chapel floor will be tolerated. No conversation will be permitted while in the chapel.

On entering the penitentiary you will receive three tickets entitling you to the following privileges as long as you obey strictly all of the rules: First. One ration of chewing tobacco each week. Smoking is absolutely prohibited. Second. Permission to write once in two weeks. Third. Permission to see friends once in four weeks, except on Sundays and holidays. Newspapers: You are permitted to receive such weekly papers as the warden may approve. No daily papers or sensational publications of any description will be admitted. Extra letters: Written permission must be obtained from the warden or deputy in case it becomes necessary to write special letters. Mail matter: Letters and papers of every description must be examined at the chaplain's office under the direction of the warden before being mailed or delivered.

List of offenses.—Answering to number in improper manner; bed not properly made; clothing not in order; coat not buttoned when in use; crookedness; creating a disturbance; disobedience of orders; disrespectful conduct of any kind; disturbance in cell house; disturbance in line of march; escaping; failing at inspection; fighting; hiding out; insolence to officers, guard, or foreman; injuring library books or other property; insubordination; inattention in line or at work; loafing; laughing and fooling; loud talk; larceny; lying; malicious mischief of any kind; mutiny; neglect of work; not at door at count; not retiring at proper hour; profanity; quarreling; raising disturbance of any kind at any place; replying when corrected; shirking; smoking; spitting on floor; stealing; talking in dining room or from cell to cell; talking in line in the yard; talking at sick call or in chapel; using threatening language; unbecoming conduct not above mentioned; vile language; wasting food; when marching to or from work out of place; writing unauthorized letters.

Punishments.—(1) Reprimand; (2) loss of tobacco privilege; (3) loss of letter privilege; (4) loss of part of "good time;" (5) imprisonment in "solitary" on limited diet; (6) imprisonment in "solitary" on restricted diet and handcuffed to door; (7) reduction to stripes and loss of all "good time."

(*d*) SOUTH.[a]

(1) **Examination.**—Little information obtained.

(2) **Grading and marking.**—*Virginia State Penitentiary.*—Laws, § 4144. The superintendent shall keep a record of the conduct of each convict (no mark system).

Arizona Territorial Prison.—No information except that record of conduct is kept as basis of "good time."

Louisiana State Penitentiary.—Annual Report of Board of Control State Penitentiary, Baton Rouge, La.; C. Harrison Parker, president, 1901.

All seem (from the photographs) to be dressed alike in stripes; no mention of grades. The classification is physical, and with reference, not to discipline, but to work: (1) Men of sound physical health, between the ages of 20 and 50 years, of 140 pounds weight or more, and who have been accustomed to physical labor; (2) men of sound physical health, who are slightly under or over the age limit of one, or who are less than 140 pounds weight, or who have not been accustomed to hard outdoor labor; (3) all old men and boys, all men suffering from any impairment of health o f not sufficient severity to confine them to the hospital, and all healthy female prisoners; (4) all sick prisoners. [This is evidently a very primitive and undeveloped method of classification, and the presence of boys indicates need of further specialization of institutions.] The report frankly says: "We have by no means yet brought about the conditions which ought te exist. The board has made important improvements and has the spirit of progressive effort. The statistics show in prison 10 children from 13 to 15 years of age, 335 youths from 15 to 21 years of age."

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[a] Miss Frances A. Kellor, in her Experimental Sociology, Delinquents (The Macmillan Company, 1901), Chapter X, has published the results of her observations in prisons of the South under the topics: "Method of control," "Buildings," "Furnishers," "Labor," "Hours and tasks," "Conditions," "Discipline," "Foods," "Clothing," "Recreation and intercourse," "Education," "Cultural," "Medical care."

West Virginia Penitentiary.—Code of West Virginia, 1899. Rules in the West Virginia Penitentiary, 1899. There are three grades—first, second, and third, the third being lowest.

Arizona Territorial Prison, at Yuma.—Biennial report, 1900. Rules and regulations, 1898. (No information.)

Texas State penitentiaries.—No reference to marking system.

West Virginia State Penitentiary, Moundsville, W. Va.—Record kept for the grades.

Louisiana State Penitentiary.—No mention of a mark system.

Virginia State Penitentiary, Richmond.—(1) Rules and regulations, 1898; (2) Virginia penitentiary laws, 1887, code. No grades mentioned; stripes used for punishment.

NOTE.—In Virginia the legislature makes many of the regulations into statutes of the code, instead of leaving this to the administration of the prison.

(3 and 4) **Education and religion.**—*West Virginia Penitentiary.*—Six nights of each week, with the exception of holiday nights, an evening school is maintained, instruction being given to about 50 blacks and 50 whites in rudimentary branches by a corps of educated convicts, all under the direct supervision of the prison chaplain. A Roman Catholic priest visits convicts of his faith. The festival days are Flower Sunday in June, Fourth of July, Labor Day, Thanksgiving, Christmas, and New Year. On these days there are special entertainments, either by the prisoners or by local talent. All Sundays and holidays are observed as days of rest.

Texas State penitentiaries.—The chaplain preaches, conducts Sunday school, and various associations; visits convicts; acts as librarian. A library is furnished. Illiterates may be taught to read and write.

Arizona Territorial Prison.—Religious services. Prison library (partly supported by 25 cents fee from visitors).

Virginia State Penitentiary.—All convicts are required to attend religious services in the chapel on Sunday, unless they are sick or excused by the superintendent.

Louisiana State Penitentiary.—The chaplain's report is source of information. There is a church edifice. The prisoners are much scattered, in the central prison and on farms. City pastors help the chaplain, conducting services on Sunday and burying the dead. Young men from the Young Men's Christian Association conduct religious and educational work on the farms. There is a library, and books are added. In the levee camps the convicts are of lowest grade. Not 10 per cent can read, and the moral sense is blunted; but moral efforts are not relaxed even here, and the report is hopeful.

(5) **Rules.**—*Virginia State Penitentiary.*—Profanity, indecent behavior, idleness, neglect or willful mismanagement of work, insubordination, an assault not amounting to felony, or a violation of any of the rules prescribed by the governor are forbidden. (Laws, § 4143.) See Rules and Regulations, Art. VI, Duties of convicts.

Arkansas Penitentiary.—Rules regulate rising, forbidden articles, defacing walls, politeness to officers, visits, communications; Sunday to be quietly observed; boxing, gambling, cock fighting forbidden.

Louisiana State Penitentiary.—No rules yet made. The warden writes in his report: "During 1901 I have endeavored to perform my duties without set rules, but I believe the time has come when the board of control should formulate some for the guidance of all."

Texas State Penitentiary.—To the prisoners it is said: You are prohibited from marking, injuring, or defacing any article in your cell, or the walls of your cell, or any other part of the building. You must keep the walls and floor of your cell and the bedding neat and clean, and spitting upon the floors, or walls, or corridors, in or about the prison will not be tolerated in any case. At the ringing of the morning bell you must get up, dress, make or put up your bed, and get ready for marching out. In chapel strict and silent attention shall be given to the service, and spitting upon the floor and shuffling the feet will not be allowed. Gambling or playing at any game at any time or place is strictly forbidden. Profane, obscene, indecent, or insolent language shall, under no circumstances, be allowed. In lines you must march in "lock step," with your right hand on the shoulder of the convict in advance of you, and incline your face toward the officer. In walking with other convicts always walk in single file in marching order. The rule of silence is found here, as in most of the institutions, North and South. The permission to receive medical examination, advice, and treatment, and care for personal health, is found here, as commonly elsewhere. "You must always approach an officer in a respectful manner, and be brief in your communications, and never speak to an officer unless when necessary concerning your work, or in stating a grievance, or making some necessary request. When within the view of visitors you are particularly charged to keep your eyes upon your work and give it your sole attention. You are required to bathe once in each week, unless specially excused, and to have your face shaved clean once in each week, and your hair kept short."

West Virginia Penitentiary.—"The first duty of a convict is obedience. You are to labor faithfully and diligently. The rule is silence, unless permission is given. You will not suffer your attention to be taken from your work in looking at visitors, or to gaze at them when unemployed. You must not speak to an officer when he is engaged in locking or taking count. You must always approach an officer of this institution with cap removed, and your arms at your side, standing erect in a respectful manner and be brief in your communication. You must not quarrel or fight, nor use angry words or profane language under any circumstances. Hands and faces must be washed in the morning." Shower baths by platoons on Saturdays. Men with skin diseases bathe apart from others. All convicts are required to attend religious services on Sabbath, unless excused. Strict attention to the services must be observed. Profanity or obscene songs or language will not be tolerated. Prisoners will not be permitted to sleep with their clothes on. (Nothing said of nightshirts.) All games are positively prohibited. Personal effects are here, as usual, taken away and held in trust. Clothing and single-cell furniture provided. No convict is allowed to buy, barter, trade, exchange, give to or receive from a guard, foreman, or any convict anything whatever, without consent of the warden or his deputy. "You are not to willfully or carelessly injure your work, tools, wearing apparel, bedding, or any other thing belonging to or about the prison, nor are you to execute your work badly. Convicts who may earn overwork will be permitted to dispose of such earnings in the purchase of such articles as the warden may deem proper, or they may have their earnings remitted to their friends or families. At the ringing of the gong in the morning (four taps) you will rise, dress, make your bed, and put your room in order. At the sounding of the gong (three taps) you will clasp the bar of your door with right hand and remain standing in said position until a satisfactory count is made. At a signal of two short taps the drop locks will be thrown, at the same signal you will push your door open, promptly stepping out in line and closing your door, at a signal (one tap) you will take up the line of march. You must be prompt in answering signals, march with head erect and eyes to the front, at all times march in a soldierly manner." In the workshop all must labor steadily. During seven months of the year the men are marched around the yard for half an hour each pleasant afternoon after they leave the dining hall, and on Sundays and holidays, winter and summer, if the weather is favorable, the male inmates also walk in the yard after breakfast and after chapel services. The women take their exercise in the yard a few evenings each week when the weather is pleasant. Taps are sounded each night at 9 o'clock, and immediately thereafter the electric lights in the cells are turned off. Laughing or talking after that is punishable.

(6) **Rewards (hope).**—*West Virginia State Penitentiary.*—Prisoners of first grade may write every second and fourth Sabbath. The State will furnish stamps for their letters written on the second Sabbath, but prisoners must furnish stamps for their letters written on the fourth Sabbath. Prisoners of the first grade may see their friends once a month, provided they are not on the blacklist. Prisoners of the second grade can write on the second Sabbath; may see their friends once a month, provided they are not on the blacklist. Prisoners of the third grade can not write at all, nor see their friends at all. They are deprived of all their privileges. Prisoners working in the contract shops are permitted, if able, to earn overtime, the same to be paid once a month to the warden, who is designated by law to be custodian of convicts' moneys. All prisoners are entitled to reward for good conduct and earnest application to work. The form of reward is made by granting commutation at the rate of sixty days per year, and by giving the men the privileges of the lookout, special permission to write to their relatives and friends, and the purchase of many little comforts in the way of delicacies and clothing.

Louisiana State Penitentiary.—No information. There is a "good-time" law.

Arizona Territorial Prison.—"Good time" for good conduct. Letters each week (no restrictions stated). When not otherwise engaged, prisoners have the privilege of making non-contraband articles for sale to visitors or others. The prisoner receives two-thirds and the Territory one-third of net proceeds.

Texas State penitentiaries.—For good behavior: (1) Permission to have lights in cell; (2) permission to write once a month; (3) permission to see friends once a month; (4) permission to go from cell on Sunday, except in meal or chapel lines; (5) permission to use any special clothing or furniture; (6) permission to use and adorn cell; (7) permission to eat out of general line; (8) permission to write any special letters; (9) permission to receive newspapers during the week; (10) permission to retain library books in the cell; (11) permission to sing or make music upon any instrument between 7 and 9 p. m. "Good time" for good conduct: Two days per month off the first year of sentence; three days per month off the second year; four days per month off the third year; five days per month off the fourth year; ten days per month off the ninth year; fifteen days per month off each succeeding year.

Virginia State Penitentiary.—Conditional pardon. (Acts of assembly, 1899–1900, p. 273, approved February 3, 1900.) Whenever any person is confined in the State penitentiary for any offense, and shall have served out half of his term of imprisonment, he shall be allowed to file a petition with the board of directors of said institution setting forth that he has served half of his term; that he has kept the prison rules in every respect for the two years next preceding the date of his petition (if he shall have been confined in the penitentiary so long), and asking the said board to recommend him to the governor as a proper person to receive a conditional pardon. Employment usually secured before recommending for conditional pardon. (Laws, § 4147.) The board in its discretion may allow a convict, on his discharge, not exceeding $10; transportation to county or city whence he was sent, and, if he need it, a suit of coarse clothing.

(7) **Punishments.**—*West Virginia Penitentiary.*—Restrictions on privileges. All prisoners on the blacklist forfeit the privilege of writing, the use of books from the library, and visits from friends and relatives while they remain on the blacklist. For first and trivial offense, reprimand and caution; continued disobedience, followed by being placed on blacklist; for further disobedience, remain in cell on Sunday and holidays, and receive only bread and water on those days; aggravated cases of disobedience, handcuffed backwards to cell door for from one to six hours; for fighting, cutting, or destroying State or contract property, from 2 to 20 paddles; assaulting an officer, cutting or stabbing another inmate, attempting to escape, means forfeiture of "good time" and the probability of standing indicted before the circuit or criminal court for the offense. A punishment record is kept by the clerk.

Louisiana State Penitentiary.—The act of legislature prohibits harsh or cruel punishments. The report (p. 13) says: "As to the reform inaugurated in the handling and care of the prisoners, the death record is the best evidence. We at once struck the shackles from every man employed at outdoor work. No prisoner is allowed, under any circumstances, to work in chains or irons of any description, or to be clogged or handcuffed in any way, either going to or coming from work. No sub-officer or guard can strike a prisoner, unless in defense of his life; the captains alone can administer punishment."

Texas State Penitentiary.—(Rules, Regulations, and By-Laws, Art. XIX.) (1) Confinement in dark cell, not exceeding seven days at a time; (2) confinement in dark cell or other cell in irons; (3) ball and chain, shackles, or spike on ankle; (4) deprivation of privileges, in whole or in part; (5) forfeiture of commutation, in whole or in part; (6) whipping, but only after a special order in writing is received from the superintendent, assistant superintendent, or inspector, in each particular case, and not to exceed 39 lashes. All punishments recorded.

Virginia State Penitentiary.—For violation of prison rules, lower and coarser diet; the iron mask or gag; solitary confinement in a cell or dungeon; stripes.

Arkansas Penitentiary.—Punishments: Whipping with strap, but not on naked flesh; dark cell; bread and water.

(8) **Paroled and discharged prisoners.**—*Texas State Penitentiary.*—"Good-time" law, but no conditional release or parole. On discharge a plain suit of clothing furnished, $5 in money, and railroad transportation.

West Virginia State Penitentiary.—(Rules applying to State prisoners, United States prisoners being under Federal rules.) Commutation for good conduct is allowed on a basis of five days for each month over one year. A suit of clothing is furnished (or credited, if he buys his own) at discharge. Conditional pardons issued by governor, usually on recommendation of the board of pardons. In such cases the condition is made that if the person receiving the conditional pardon should thereafter be again convicted of a felony in the State he may be returned to the penitentiary to serve out the remainder of his unexpired sentence, in addition to the new sentence which may be imposed upon him for his latest offense. Money for transportation furnished at discharge. A guard takes the man to the train, buys his ticket, and gives him his money. No reports are required of paroled men. No organized effort to receive employment for discharged prisoners. In all probability, it is said, the State will have a prison aid association within another year.

Arizona Territorial Prison.—Numerous applications for parole. "Good-time" law (deduct two months in each of the first two years; four months in each of the next two years, and five months in each remaining year of the term).

Louisiana State Penitentiary.—No parole; only "good-time" law.

REFORMATORIES.

(1) **Examination.**—*Pennsylvania Industrial Reformatory at Huntingdon.*—(Biennial reports.) Receives young offenders, 15 to 25 years of age. The condition of all convicts is examined at admission and recorded, observations being made of physical, mental, and moral traits, domestic history, industry, habits, civil condition.

Indiana Reformatory at Jeffersonville.—(Biennial reports.) No information as to examination.

Illinois State Reformatory at Pontiac.—(Biennial reports.) This establishment really consists of two departments—an intermediate prison and a reform school for juvenile offenders—there being no other state reform school. Very careful records are made of the facts relating to each prisoner, the court, the crime, the county, age, birthplace, nationality, education, religion preferred, parents, occupation of parents, color, mental condition, associations, industrial habits, education, occupation, use of tobacco and liquors.

Elmira State Reformatory.—Yearbook, 1897, page 23, furnishes a typical illustration. The Biographical Register has a succinct summary of the close scanning of every prisoner, always personally made by the general superintendent when they are at first admitted to the reformatory. It is a record of diagnosis and summary of the judgment then formed of the prisoner himself; his mind, his moral susceptibility, and the rating of his animal organism, all with a view to his treatment for reformation. The plan or prescription made at the time, with notations afterwards of changes and progress and results, is also included upon the pages of the record of each inmate. It is true of these records, made at the time of the prisoner's admission to the reformatory, that they are, when studied in the light of the subsequent performance of the prisoner, shown to be generally correct.

(2) **Grades and marks.**—*Massachusetts Reformatory at West Concord.*—Letter of superintendent. Forms. Manual for the use of prisoners, 1901. In this manual the inmates are taken into the confidence of the superintendent, and his reasons for the rules of administration are given. Report of prison commissioners of Massachusetts. Prisoners are classified in three grades, the first being the highest. All enter second grade and advance by receiving 1,000 credits in seven consecutive months. A prisoner allowed for perfect conduct, industry (in labor), and diligence in study 5 credits each day, and a prisoner whose record is perfect for four consecutive months is credited 150 additional credit marks. Distinctions in diet, clothes, and privileges at discretion of superintendent.

Colorado Reformatory.—Three grades; prisoner enters second grade and is promoted to first when he earns 1,000 credit marks.

Kansas State Industrial Reformatory at Hutchinson.—Rules governing inmates, 1900; senate bill No. 195. Letter of J. S. Simmons, superintendent. Forms and papers. There are three grades, all entering the second, with a system of marks and records.

New York Reformatory at Elmira.—Four grades; all enter lower first or intermediate grade. Outward signs of grade: uniforms distinguished by color. Principles of placing, promotion, and degradation. Promotions after six months in lower first grade; further period in upper first grade; good conduct, progress in study and trade; with conditional release on parole when employment is found. Degradation for bad conduct and neglect, as shown in reports. The system is monetary. Men are credited for work, study, and good conduct, and debited according to a scale of reports for misdemeanors.

Pennsylvania Industrial Reformatory.—There are four grades, distinguished by uniforms, and each prisoner enters the second grade on admission.

Indiana Reformatory.—There are three grades. For each day's perfect performance of duty men in the upper grade receive a credit of 55 cents per day; in the middle grade, 50 cents per day; in the lower grade, 45 cents per day. An additional credit is earned for all work done in excess of the fixed task, and a deduction is made for all unnecessary shortage. From his earnings a man is required to pay for what he receives in the way of board and clothing. This system has educated the men in keeping accounts, stimulated them to do their daily tasks, put them on their best behavior, and prepared them for free life upon discharge.

Illinois Reformatory.—Grade system is in use.

(3 and 4) **Education and religion.**—*New York State Reformatory, Elmira.*—An elaborate system of education and training: (1) Physical culture; (2) manual training; (3) trade school; (4) school of letters, intellectual, moral, and religious instruction.

Kansas Industrial Reformatory.—Institution occupations: Farming, building, working, cleaning, etc.; making clothing and shoes. When an inmate enters if he is very short on education he is sent to school two sessions a day. If he has a fair education he works all day and goes to school at night. If his education is only medium he may be sent to school half of the day and work half of the day. There are three sessions of the school—forenoon, afternoon, and evening. Inmates have to reach a certain grade in the institution, being able to cipher fractions before they are eligible to parole, except in cases of mental or physical defects. Religious services each Sunday in the chapel, and about every other Sunday a lecture by some educator, district judge, or other proper person. We observe the festival days by extra fare and entertainments gotten up by the inmates.

Massachusetts State Reformatory.—There are about fifty teachers in letters and industries. The schools are in session five nights each week for two hours. All are required to attend school. Religious services are held on Sunday, both Protestant and Catholic; also Sunday schools for both denominations. Entertainments are held upon holidays; two evenings of the week literary meetings are held by the prisoners themselves. A chaplain resides at the institution. There is a good library.

Colorado State Reformatory.—Has a school five days each week. Holds religious services. The chaplain teaches the school, conducts services, talks with prisoners, has charge of library.

Indiana State Reformatory—A chaplain conducts services on Sunday and deals with the young men personally. He also acts as state agent, in charge of the parole system, and thus keeps watch of the men during their conditional release. A school is conducted by a graduate of the State University, a professional teacher. The great majority of the inmates have had but small educational advantages; many are illiterate; the teacher also acts as librarian; a brass band, composed of inmates, is one of the means of culture; a prison paper is printed by inmates and edited by the officers; the inmates are taught trades according to their capacities.

Pennsylvania Industrial Reformatory.—Every young man is required to go to school. The schools are under the supervision of a moral instructor, or superintendent of schools. The teachers employed are professional school teachers, and are permanently employed as officers of the institution. The sessions of the school are held entirely in the evening from 5.50 to 8.10 o'clock. There is a library of 3,000 volumes. There is a physical director who, under advice of the physician, seeks to develop the body by systematic methods, including gymnastics, drill, bathing, etc. The chaplain conducts services and ministers personally to the convicts. The superintendent conducts a Bible class on Sunday. A Catholic priest visits prisoners when requested to do so. A prison paper is printed for use of inmates. Manual training and trade schools prepare the young men for earning a living when set free. Holidays are observed and recreation and entertainments given.

Illinois Reformatory.—The reports on the educational side are very suggestive. A chaplain conducts religious services. Trained teachers are in charge of the literary schools. Moral instruction by lecture and discussion find a large place. Trade schools carry forward the technical preparation for honest life. A paper is published for the benefit of inmates. A large library is furnished. Military drill is regarded as a valuable part of the discipline.

(5) **Rules.**—*Kansas Industrial Reformatory.*—Rule books and blanks show rules relating to persons, property, and order—rules for saluting and talking. Conduct rules, rising, marching, in cell, in hall, lights, signals, labor, eating, chapel, sickness, writing, etc. Offenses: There are three classes of offenses: third class or neglect offenses, second class or delinquent offenses, and first class or misdemeanors. A list of each is given.

Massachusetts Reformatory.—Examples of rules: When a prisoner wishes to speak to an officer he will salute him by raising his right hand to his forehead, then drop it to his side, and remain in a respectful attitude while the conversation lasts. Prisoners must not converse with outsiders without permission, and must not gaze at visitors. Prompt and respectful obedience to the officers is required; insolence to officers and unruly and boisterous conduct are especially forbidden. Prisoners are required to take good care of room and furniture and to labor in shops. Whoever defaces books or exchanges them with others will be deprived of library privileges. Conduct in room, rising, marching, labor, retiring, etc., regulated by rules. The reason for rules: "There must be rules and regulations here in order to secure and maintain that which is fair and for the best interests of each and every one. The plan of the reformatory is to give everyone within it a chance, by good conduct and his own efforts, to shorten his stay therein, to give proper schooling to those who need it, to give trades to those who have none, and by all available means to advance the material, mental, and moral interests of each inmate. A reasonable amount of work will be required to promote skill, health, and personal improvement. Facilities for study, instruction, entertainment, and recreation will be given. If helps and privileges are rightly used they will be increased. If they are abused they must be withheld." The forms of reports show the nature of rules and definitions of offenses:

———, 190—. To the Deputy Superintendent; ———, Cons. No. ———, Room No. ———, is reported for the offenses checked below: ——— ———, officer. Absent from school; altering clothing; bed not properly made; clothing not in proper order; coat not buttoned; crookedness; destroying State property; dilatory; dirty room or furnishings; disobedience of orders; disorderly room; disturbance in dining room; disturbance in shop; disturbance in wing; eating before signal; fighting; gaping about; gross carelessness; hair not combed; hands and face not clean; hands in pockets; idleness in school; idleness in shop; inattentive in chapel; inattentive in line; inattentive in school; inattentive in shop; injuring property; insolence to instructor; insolence to officer; late at school; late at work; late entering room; late leaving room; laughing and fooling; loud talk in room; lying; malicious mischief; neglect of duty; not at door for count; not wearing outside shirt; not wearing slippers in chapel; not wearing slippers in school room; out of place; poor work; profanity; quarreling; refusal to obey; refusal to work; shirking; smoking; spitting upon the floor; staring at visitors; stealing; talking from room to room; talking in lecture room; talking in school; talking in shop; talking in chapel; talking in dining room; talking in line; talking in corridor; using tobacco; vile language; wasting food; wearing slippers in yard.

Colorado Reformatory.—Report (p. 92) gives rules governing inmates. The nature and purpose of the rules are stated. Grade rules, conduct rules, work, general (saluting, marching, etc.), list of offenses, writing, visiting and library privileges, parole and release.

Elmira State Reformatory.—Offenses within the prison against demeanor, labor or study rules are graded and first class, second class, and third class reports. These are named and described in detail.

(6) **Rewards and privileges.**—*Massachusetts Reformatory.*—No rewards or pay for work given. No privileges except those which belong to the grades.

Elmira State Reformatory.—Hope is stimulated by promise for good conduct of promotion in rank, table, and cell privileges, talking at table, hope of early release on parole.

Kansas Industrial Reformatory.—No reward is made except in case of extraordinary loyalty to the management, when an inmate may be paroled or advanced in his grade. Grade uniform distinction for first rank. The management will extend to the second grade such privileges and to the first grade such additional privileges as is deemed best and profitable; in these the third grade shall not participate. Writing letters: First grade, each week; second grade, once in two weeks; third grade, once a month. Receive visits once a month, if well behaved.

Indiana Reformatory.—The privileges connected with the higher grades are constant incentives to good conduct.

Illinois Reformatory.—The grade system and paroles give incentives for good conduct.

(7) **Punishments, disciplinary.**—*Massachusetts Reformatory.*—Reduction in grading. The deputy superintendent determines all punishments and all marking. Inmates of the third grade are confined in cell blocks separated from the rest of the prison and have separate workshops, only seeing the other prisoners when they go into the chapel on Sundays. A few of the third grade men work in solitary confinement. The disciplinary punishments are confinement in a light cell with regular prison rations with work. If a prisoner refuses to work when he is in punishment he is fed upon bread and water. No other punishments are practiced. A record is kept of all punishments.

Kansas Industrial Reformatory.—Reproof for minor offenses. The ordinary punishments are the taking away of time, so many days; locking up in his own cell, with diminution of food; dark cell with bread and water; cage. (Whipping never administered.)

Elmira State Reformatory.—The publications (Statutes of State, rules, regulations, etc.) do not mention any disciplinary means except these indicated in the system of marking, grading, and parole. In the Handbook (1901, p. 16) cellular punishment is mentioned.

Indiana Reformatory.—Fines and loss of grade are the chief punishments.

Illinois Reformatory.—Loss of rank and corporal punishment, cell and whipping, as last resort.

Colorado Reformatory.—Loss of marks and grades.

(8) **Care of discharged prisoners.**—*Elmira State Reformatory.*—The paroled man is under supervision, liable to recall for misconduct, six months or more. Twelve months of good conduct, progress in school and trade, money for travel, and a place of employment are conditions of parole. Reports are required during probationary parole. Recall for abuse of privilege or neglect.

Massachusetts Reformatory.—Prisoners are discharged upon expiration of sentence or parole. The prison commissioners have the power to release a prisoner when it appears he has reformed. He must have a position before release and is given money for travel. The legislature appropriates $5,000 each year for aiding discharged prisoners from this institution. Prisoners released must report once a month.

Colorado Reformatory.—Law of 1899 (August 3) permits paroles for "good time." In the reformatory there is a system of parole.

Indiana Reformatory.—The chaplain, as State agent, seeks employment for men out on parole and watches over their conduct.

Illinois Reformatory.—Most of the prisoners are discharged on parole.

Kansas Industrial Reformatory.—Discharge is by parole or expiration of maximum term. Reports of paroled prisoners required once a month for twelve months. They may be brought back for disobedience. The parole officer travels over the State and gives personal attention. Money for transportation furnished by friends, employer (on account), or by the institution.

Pennsylvania Industrial Reformatory.—Prisoners may be released on parole after a period of good conduct and high marks. The last report urges the importance of state agent to secure employment. Employment is secured in advance of parole by correspondence. The power to discharge conditionally rests with the board of managers. Reports from parole men are required.

WOMEN'S REFORMATORY PRISONS.

(1) **Examination.**—*Sherborn Prison, Massachusetts.*—The officers seek to know rather the present purpose than the past history of the prisoners. They think that, so far as possible, the past should not be recalled even in memory.

House of Refuge for Women, Hudson, N. Y.—(Report, 1899.) The causes of moral defection must be inquired into in all cases before we can have a clear view of remedies or results. Statistical tables show the facts obtained relating to heredity, education, occupation, home life, religion, social condition, mental condition, moral sense, skull, face. The physician's report gives the list of diseases treated. (NOTE.—Observe the contrast in theory of examination between these two prisons.—C. R. H.)

(2) **Grades and marks.**—*Reformatory Prison for Women, Sherborn, Mass.*—(Annual Report of the Massachusetts Prison Commissioners, 1901.) Rules for prisoners. Three grades. Record card is given each woman. For each week of perfect conduct, labor, and study, ten credit marks will be allowed. Misconduct or lack of industry in work or study will cause a loss of credit marks.

House of Refuge for Women, Hudson, N. Y.—The girl is received at the prison and placed in the second division, from which she may be promoted or reduced, according to behavior. After three months in prison she is transferred to a cottage, where the idea of family and home life is carried out as far as possible. In the cottages the marks are both conditions of promotion and the ordinary means of discipline.

(3 and 4) **Instruction and religious influences.**—*Reformatory Prison for Women* (*Massachusetts*).—Industrial training carefully developed; out-of-door work; farming; a circulating picture library, a new feature; afternoon school and evening school; temperance clubs formed to teach temperance. The chaplain supervises the school, library, and religious work. School is in session five afternoons in the week, from 1 to 3 o'clock, for illiterates. In the evening school instruction is given in arithmetic, spelling, language, geography, history, and science. In winter a class in physical culture. Chapel service every evening at 6 o'clock. On Sabbath, five services: Protestant, Catholic, Sabbath school, Bible class, praise service. Wednesday evening, hymns practiced. Addresses made occasionally by clergymen and others at chapel.

House of Refuge for Women, Hudson, N. Y.—The general teacher reports instruction in deportment, morals, care of persons, reading, orthography, penmanship, arithmetic, geography, language, history, natural sciences, current topics, and civics. A manual-training class was formed for the purpose of benefiting girls incapable of advancement under the ordinary methods of instruction. Music classes are conducted by a special teacher on Monday, Wednesday, and Friday, with share in service on Sunday. The disciplinary value is thought to be very good, since music arouses the proper emotions and aids self-control. The women are taught dressmaking, cooking, and laundry work. Daily prayers are held in each building morning and evening.

Religious services are held in the chapel on Sunday afternoon, conducted by visiting clergymen or by the superintendent. Inmates may see a priest or clergyman upon request. Various lectures and entertainments are provided for recreation and instruction.

(5) **Rules.**—*Reformatory Prison for Women, Massachusetts.*—At the first bell in the morning, or when called, they shall rise, wash, and dress themselves, open their beds to air, and be ready when the second bell rings to go to breakfast. When standing or walking in line they shall be orderly. In the dining rooms they shall not engage in conversation, nor make unnecessary noises. Food or table utensils must not be taken from the dining rooms. In the chapel they shall keep their faces toward the desk, and refrain from all disturbances. They shall do whatever work is given them, and in the manner indicated by the officers; while at work they must be diligent and attentive, and must not look about, nor leave their place without permission. They shall not communicate with each other. Each prisoner shall bathe regularly, unless excused by the physician. They shall hang their clothing, when not in use, on the hooks provided for that purpose. They must be neat and tidy in all their habits and as quiet as possible when in their rooms. A prisoner who is unable to go to work shall tell her matron when the cell door is unlocked in the morning. They may take books from the library, but loaning books is forbidden. They shall not send or receive any letter or article without permission of superintendent. They shall wear the clothing given them, and shall not make alterations in it without permission. They shall not put any food or any articles in the buckets or water-closets. They must not destroy nor willfully injure any clothing, bedding, furniture, book or picture; nor mark or deface the walls, nor waste or improperly use the food. They shall not communicate with each other, either by talking, writing, or motioning, without permission from an officer. They must not make disturbing or disorderly noises, nor use offensive, angry, or profane language.

(6) **Rewards.**—*Reformatory Prison for Women, Massachusetts.*—For perfect conduct permission to write one letter each month to persons approved by the superintendent, and to receive a visit in each month from such friends as the superintendent may approve.

(7) **Punishments.**—*Reformatory Prison for Women, Massachusetts.*—A violation of any of the rules or any misconduct may be punished by imprisonment in a solitary cell or solitary workroom, or by the loss of privileges or marks. For the same offense repeated the punishment will be doubled. A second punishment in the same division will reduce a prisoner to the next lowest grade, and if the punishment is dark solitary the prisoner will be reduced to the lowest grade.

House of Refuge for Women, Hudson, N. Y.—The modes of discipline are not harsh, but offense is followed rapidly by punishment. Discipline is administered in the same spirit a parent would exercise toward a rebellious child. First, entreaty, kindness, and moral suasion, and force resorted to only as a final step. Deprivations and rewards are better than harsher punishment.

(8) **Care of discharged prisoners.**—*Reformatory Prison for Women, Massachusetts.*—The agent for aiding discharged female prisoners says: The constant aim is never to lose sight of them, to remove them entirely from evil associations, to restore them to their friends, to provide them with honorable employment, to offer sympathy and encouragement. There is a temporary asylum for discharged female prisoners at Oldham which has a legal right to a subsidy.

House of Refuge for Women, Hudson, N. Y.—Prisoners may be paroled, and for violation of the conditions of parole may be recalled.

JAILS AND WORKHOUSES.

Local and District Prisons.

(1) **Examinations.**—When there is any degree of classification a brief examination may be made. The court records or the accounts of the officer who makes arrests may be used for information. In case of disease a physician may be consulted. The documents give little information. For pictures of the deplorable and disgraceful condition of jails see reports of State Board of Charities, as, for example, in Illinois.

(2) **Grading and marking.—Jails.**—Any approach to a system of marking, even where sentences are served, can not be discovered from the reports sent.

United States Jail, Washington, D. C.—Records of conduct are kept.

(2) **Grades and marks.—Workhouses.**—*Allegheny County Workhouse and Inebriate Asylum, Claremont, Pa.*—(Laws, By-laws, and Rules for the Government, 1888. Report, 1901.) No statement on the subject of grades.

Newcastle County Workhouse, Greenbank, Del.—Only forms, no rules are sent.

Essex County Penitentiary, Caldwell, N. J.—(Proceedings of Board of Freeholders, 1901, p. 156, ff.) Statistics, but no rules.

(3) **Instruction.—Jails.**—*Cook County Jail, Chicago.*—Has a society, named from the enterprising jailer, "The John L. Whitman Moral Improvement Association;" and this association issues a neat "Journal." A good library was obtained by gifts; lectures and entertainments are provided; a day and a night school are conducted, the teachers being inmates; a religious service, with voluntary attendance, is held on Sundays.

House of Correction, Deer Island, Boston, Mass.—A library of 5,000 books. Calisthenic exercises, as practiced in the U. S. Army. At South Boston a school for instruction of illiterates (13 per cent of population), with a professional teacher.

(4) **Religion and personal influence.—Jails.**—Reports of State Board of Charity and Correction reveal utter lack of system and uniformity. Local prisons are rarely provided with chaplains and teachers. Religious services and visits are provided, if at all, by voluntary effort.

Workhouses.—*Allegheny, Pa., County Workhouse.*—Chaplain required to hold service on Sabbath, Bible class and gospel service in female department. He acts as librarian; he visits prisoners; he teaches a school at night for the benefit of illiterate prisoners at least twice each week from October 1 to April 1.

House of Correction, Boston, Mass.—At Deer Island the chaplain is also director of music. Chaplains are engaged at both Deer Island and South Boston, and Catholics are served by their own priests. Regular services are held on Sundays.

(5) **Rules.—Jails.**—*United States Jail, Washington, D. C.*—Respectful conduct required.

Workhouses.—*Allegheny, Pa., County Workhouse.*—The first duty of the prisoner is obedience to the rules and regulations of the workhouse and the orders of the officers. He must at all times approach the officers of the workhouse in a most respectful manner, be brief in his communications, must not speak to them on any ordinary topic, or address them except when it becomes necessary in relation to his work or wants. No prisoner shall speak to any person who does not belong to this institution, or receive from or deliver to anyone any letters, papers, or anything whatever, or give to or receive from any officer of the workhouse anything whatever, without permission of the superintendent or assistant superintendent. It is strictly against the rules for him to stop work and gaze at visitors at any time. All prisoners are forbidden to use any insulting, profane, or abusive language to any officer or stranger, or to each other. To attract your officer's attention, raise your hand; do not call to him or make any noise whatever. Any willful or unnecessary soiling or defacing of any books or injury to tools, clothes, or any other thing belonging to or about the workhouse will subject the offender to severe punishment. You are not permitted to have any money, jewelry, or other valuables in your possession. Any prisoner wasting bread in any way will be punished severely. The laws, etc., pages 40–41, give the daily routine of the prison, ordering the rising, making beds, march to wash room, breakfast in cells, march to shops, work, dinner, march (in lockstep) to cells, lights out, conduct in case of fire, etc. This order is a rule, and violation is punishable.

Workhouse, Blackwells Island, N. Y.—Rules and regulations, 1898. The rules are all for officers; none sent on for convicts; warden, deputy warden, hall keeper, keepers, night guards, and matron are mentioned.

Houses of correction, Deer Island and South Boston, Mass.—Reports of penal institutions department, Boston: The new rules adopted by the commissioner are assisting the discipline in the institution very materially. A frequent complaint by the inmates was that they were unaware that they had broken any rule until they were to be punished. Every convict is provided with a copy of the rules, and they are read aloud to the inmates on the first Sunday in every month at chapel services. Thus no one can now claim ignorance of their requirements. (Report, 1897, p. 5.)

(6) **Rewards (hope)—Jails.**—*United States Jail, Washington, D. C.*—"Good time" for good conduct; prisoners under sentence exceeding thirty days may write once a week on business only by special permission, otherwise once a month; under thirty days, need permission; prisoners under punishment can not write; prisoners on trial may write once a day in relation to their case.

Workhouses.—*Workhouse, Blackwells Island, N. Y.*—Nothing stated in rules and regulations.

Allegheny, Pa., County Workhouse.—"Good time" for a convict sentenced to more than one year, three days per month. Any prisoner conducting himself properly will be permitted to write to his friends or others once in a month, or see a friend once in every month.

(7) **Disciplinary punishments** (few)—**Jails.**—*United States Jail, Washington, D. C.*—Refusing permission to attend church; bread-and-water diet; cell or dungeon; handcuffed to door; taking away "good time."

Workhouses.—*Workhouse, Blackwells Island, N. Y.*—Punishments only by order of warden. Character not named.

Allegheny, Pa., County Workhouse.—Loss of "good time;" attempt to escape, term may be doubled. By act of legislature (p. 6 of Laws, By-Laws, etc.) the following punishments are permitted the superintendent: Close confinement, on a diet of bread and water only.

(8) **Care of discharged prisoners—Jails.**—*United States Jail, Washington, D. C.*—Detention and short sentences; "good time;" no parole.

Workhouses.—*Allegheny, Pa., County Workhouse.*—"Good time," but no conditional release or parole.

Houses of correction, Boston, Deer Island, and South Boston, Mass.—Agents assist discharged convicts to secure employment, and financial aid is given when needed. "Good time" allowed by statute for good conduct.

REFORM SCHOOLS.[a]

(1) **Examination.**—It is evidently desirable for superintendents of reform schools to have more knowledge of the previous history of the new pupil than they now secure from the court. A movement is already on foot to require courts to send with the papers of consignment all the information which can be obtained from any source.

(2) **Grading and marks.**—*Indiana Reform School for Boys.*—The merit system of gradation. All new boys and returned boys are required to gain 5,000 merits before receiving their parole or release badge. The boys enter with naught to their credit and gain ten merits each day for perfect deportment. In 365 days he can gain his release on parole. Every offense and every infraction of the rules that experience has shown them the perverse ingenuity of the boys capable of committing has a certain definite demerit attached to it. A boy knows if he breaks any given rule or is guilty of any given offense just what it will cost him in the way of demerit marks. The superiority of the present system to the one displaced lies in the fact that the offending boy has more precise knowledge of the consequences of his acts and is stopped from any plea that some other boy is more favored than he is—a fruitful source of complaint. The law relating to the Indiana Reform School for Boys is given in the 35th annual report, 1901. General rules and regulations governing employees. Rules regulating punishment; set of forms and statements. Letter of superintendent. No definite grades or classes; each boy has his own record under a "merit system." Boys taken from 7 or 8 to 16 or 17 years; all are wards of institution to 21. They are all convicted of some offense, but penal sentence is suspended and they are sent to school here.

South Dakota Reform School, Plankington.—For children under 18 to majority; no document.

(3 and 4) **Instruction and religion.**—*Indiana Reform School for Boys.*—Trades are taught and practiced. The schools follow the course laid down in the State Manual, issued by the State superintendent of public instruction, and they are taught by competent teachers. Boys attend school one-half of each day and work the other half. Music is taught. Manual training. The chaplain holds services on Sunday and talks with the boys personally.

(5) **Rules.**—*Indiana Reform School for Boys.*—Demerit offenses (which imply corresponding rules of conduct): Talk, ten demerits; disobedience, ten; disorder, ten; vandalism, ten; laziness, ten; willful waste, 20; quarreling, 30; dormitory, 50; shielding, 50; profanity, 50; fighting, 60; tobacco or money, 100; falsehood, 100; theft, 100; obscurity, 100; disrespect and impudence, 100; insubordination, 200; planning escape, 500; escape, 1,000; secret vice, 1,000; planning bad report, 1,000; bad report, 2,000.

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[a] Chiefly for youth under 18 years of age. There is one objection to classifying reform schools with penal establishments. It is claimed by many that they are rather departments of the school system of the State. In any case they have generally developed pedagogic methods of dealing with refractory persons, and in this respect offer suggestions which are not found in many of the reports of prisons and reformatories.

(6) **Rewards.**—*Indiana Reform School for Boys.*—The chief hope is early release; no parole for merit.

(7) **Punishments.**—*Indiana Reform School for Boys.*—Warning, instruction, reprimand, loss of merits (demerits). Offenses for which there is a demerit of 50 or over shall in addition be subject to corporal punishment at the discretion of the superintendent. Rules for use of strap are printed. Bread-and-water diet, not more than six consecutive meals.

(8) **Care of discharged prisoners.**—*Indiana Reform School for Boys.*—No boy is fully discharged until he attains the age of 21 years. Boys are released on furlough or "ticket of leave" after gaining 5,000 merits. After due trial has been given and the boy's course of conduct has been satisfactory, his "leave" is renewed; if unsatisfactory, his furlough is withdrawn and he is again returned to the school. A plea is made for a visiting agent; none yet employed.

MEXICO.

[Penal Establishments: Establecimientos Penales del Distrito Federal. Decretos y Reglamentos. Mexico, 1900, imprenta del Gobierno, etc.]

ORGANIZATION AND ADMINISTRATION.

General Regulations of the Penal Establishments of the Federal District.

Preliminary title—Number and objects of the penal establishments of the district.—Art. 1. In the Federal District there shall be the following penal establishments: (*a*) A prison of detention in each one of the capitals of the outside municipalities, with the exception of Tlalpam; (*b*) a municipal prison in the city of Tlalpam; (*c*) a city prison and a general prison in Mexico; (*d*) a penitentiary in the same city; (*e*) a house of correction for minors, divided into two departments, one devoted to correctional education and the other to reclusion for penal correction.

Art. 2. The prisons of the capitals of the outside municipalities will have for their object: (*a*) The detention of individuals apprehended for any class of crimes in the respective divisions during the conduct of the final steps of the instruction by the authorities to whom it belongs in conformity with the law; (*b*) the detention and preventive seizure of the individuals of whose suits the minor judges take cognizance, and of the country of the respective divisions; (*c*) for the serving of penalties, major and minor, imposed by the judicial and administrative authorities of the respective divisions.

Art. 3. The municipal prison of Tlalpam is set apart for: (*a*) The detention of individuals apprehended for any class of crimes during the progress of the first steps of the instruction by the authorities to whom the law gives jurisdiction, always [granting] that they reside in the city of Tlalpam; (*b*) the detention and preventive seizure of culprits whose prosecutions belong to the judge of the first instance in Tlalpam; (*c*) the serving of sentences, minor and major, imposed by the judicial or administrative authorities of the city and municipality of Tlalpam.

Art. 4. The prison of the City of Mexico is set apart for those who undergo a sentence of detention and minor arrest for misdemeanors in the jurisdiction of the administrative authorities of the capital.

Art. 5. The general prison of Mexico is set apart for: (*a*) The detention of each class of persons convicted for crimes not of a military character and whose prosecution belongs to the authorities resident in the City of Mexico; (*b*) those who serve sentences as convicts sentenced to minor or major arrest by the judicial authorities resident in the City of Mexico, and those sentenced to simple reclusion; (*c*) those who serve their sentences to ordinary imprisonment who should not go to the penitentiary, or who, though they should go there, can not be transferred immediately because there is no disposable cell.

Art. 6. The penitentiary of Mexico is reserved exclusively for those who serve sentences in it, the criminals who are designated as felons: (*a*) Those condemned to extraordinary imprisonment; (*b*) recidivists condemned to ordinary imprisonment; (*c*) those condemned to ordinary imprisonment for the time fixed by the regulations of the penitentiary; (*d*) those condemned to imprisonment to whom applies the retention made effective by articles 71-73 of the Penal Code; (*e*) those condemned to imprisonment, who for their misconduct in the general prison are consigned to the penitentiary by the warden of said prison, with the approbation or consent of the governor of the district.

ART. 7. The house of correction is devoted to: (1) Those who receive education in the department of correctional education; (*a*) male minors of 14 years who, having committed offenses without discernment, are subjected to that preventive measure comformably to the Penal Code; (*b*) male minors who are consigned as an administrative measure by an officer or at request of parents, tutors, or guardians of the minors; (2) those in the department of penal correction who serve their sentences as male minors condemned to punishment. In the department of correctional education may be established a special section in which may be received, on the payment of a monthly sum, youth consigned at request of fathers, tutors, or guardians.

ART. 8. Thieves and others responsible for crimes provided for and penalized in articles 376, 387, and 400 of the Penal Code, serve their sentences in the place designated by the executive and will give themselves to labor which he determines, observing the dispositions of articles 83–91 of said Code.

ART. 9. Each municipality is under obligation to establish the prison of its division and provide for all its expenses, comformably to the provision and the present regulations and relevant orders. The municipality of Tlalpam will provide for the expenses of the prison of that city at the cost of its funds. The force which guards the prison shall be paid at the cost of the federation, in which shall also be assigned a sum annually, to be determined, to be contributed to the expenses of food, in the quality of a subvention.

ART. 10. The penitentiary, the prisons of Mexico, and the house of correction will be subject to the secretary of Government, although in the immediate charge of the government of the district. The outside prisons will be under the respective judges. The expenses of the penitentiary and of the general prison shall be considered in the budgets of the federation; the magistracy of Mexico contributing in the ratio of six hundredths daily for each prisoner that it may have in the general prison. The costs of the prison of the city shall be covered in their totality by the magistracy of Mexico.

Prison of the City of Mexico.—ART. 392. The prison of the city shall depend upon the secretary of the Government, and shall be immediately in charge of the governor of the district. Its expenses shall be entirely covered by the magistracy of Mexico.

ART. 393. In the prison of the city shall be observed the provisions of Title I of this regulation and others contained in the following articles:

ART. 394. The prison shall be divided into two departments, one of men and another of women, and each one of them shall be divided into three sections, one for the detained, another for the condemned, and another for the isolated, for the prisoners who are placed in isolation for disciplinary punishment.

ART. 395. The regimen to which prisoners of this prison shall be subject shall be that established in the present regulation in its Title II for the detained and for the condemned on minor arrest found in the general prison.

ART. 396. Food for the prisoners shall be distributed by the general prison, which shall be paid by the magistracy according to its strict cost price. The warden of the city prison shall send daily to the administrator of the general prison, before 5 p. m., a note stating how many rations will be needed the next day. In the same note he shall certify the receipt of rations already distributed. These notes shall be collected as vouchers on the liquidation presented to the magistracy for payment.

ART. 397. The employees of the city prison shall have the same duties and be subject to the same rules as those of the general prison in all that relates to their respective charges, with such modifications as are made necessary by the difference of purpose and organization of each prison.

ART. 398. The warden shall form a monthly budget of expenses of the prison for the month following, and send it before the 20th day to the governor of the district, that he may communicate it to the magistracy with his approval and his notifications, that it may be included in the budget of the municipality and ordered paid. For the unforeseen and urgent expenses which occur during the month, the warden shall address the governor of the district, and if this officer considers the proposition well founded, he shall transmit it to the magistracy, to be ordered paid. The warden shall be charged with paying the salaries, as well as the distribution and charge of the expenses, and shall render his account to the administrators of the municipal taxes.

ART. 399. The corps of employees shall be as follows:

	Monthly salary.
Warden	$120
Deputy warden	100
Official archivist in charge of books	60
Two clerks, each	50
Two monitors, first class, each	50
Four monitors, second class, each	40
Three servants	25

Art. 400. The nominations shall be made by the governor of the district, who may at any time remove the employees. Permission to be absent above three days shall be asked of the governor.

Art. 401. When it is necessary to make some modification in the corps, whether in respect to the number or to the salaries of employees, the governor of the district shall direct to the magistracy of Mexico a recommendation of the change and increase in the assignment of funds for the expenses of the prison.

Temporary orders.—Article 1. This regulation shall be in effect on the day that the penitentiary of Mexico is opened, and from that date all the rules relative to penal establishments shall be abolished.

Art. 2. The plans referred to in article 149 shall be formulated for the first time and sent up to the governor of the district within two months after the promulgation of this regulation. The work essential to be finished in the prisons for the fulfillment of this regulation shall be submitted at the latest December 31 of the current year.

Art. 3. For the time the corps and salaries of the employees of the general prison shall be assigned on the proposal of the governor of the district, by the secretary of the government, who shall decide which of the employees of the present municipal prison of Mexico shall continue to serve, and he shall make the nominations necessary to complete the corps which is decided on.

Art. 4. Convicts who, in virtue of the order in the primitive text of article 77 of the Penal Code, shall be assigned by judicial sentence to do certain work, shall be sent to this work, not being subject to article 172 of this regulation.

Regulations Common to all Penal Establishments of the Federal District.

Officials of the prisons.[a]—Art. 100. The penal establishments of the capital dependent on the governor of the district shall have such employees as this regulation and those of the penitentiary and house of correction determine. The number and wages of the employees of the establishments whose expenses are at cost of the federation shall be annually determined by the superior of the council. Each one of the bodies of the magistrates, with the approval of the governor of the district, shall fix the place and income of the prison.

Art. 101. The nomination of the wardens and the officers of the outside prisons shall be made by the respective bodies of magistrates, with the previous consent of the governor of the district in case of nomination of wardens. The nomination of officers of the general prison and the prison of the City of Mexico shall be made as determined by Titles II and III of this regulation and of the penitentiary and house of correction, within the limits of the corresponding regulations.

Art. 102. In the interior of the prisons the superior authority is that of the warden, director or chief of the establishment; and consequently no order shall be carried out if not communicated by him.

Art. 103. The employees of the prison, the chiefs and commanders of the guard force, shall be under the orders of the warden or head of the establishment.

Art. 104. The wardens are responsible for all the abuses or misdemeanors committed in the prisons, unless there is proof that they are done contrary to their express orders and without blame or neglect on their part.

Art. 105. The duties of the wardens or heads of the penal establishment are: (1) To care for the security, morality, hygiene, cleanliness, and good order of the prison; to give notice concerning abuses noted, to the governor of the district or director of prisons, and to propose means which he considers proper; (2) to prevent abuses and repress disorder in the prisons, dictating in each case preventive and repressive means as he judges to be suitable; (3) to visit the interior of the prison at least once a day, for the purposes expressed in the preceding clauses; (4) to be present at the prison during all office hours, and always at other times when necessary; (5) to execute and see that the subalterns execute the regulations and law relating to their duties; (6) to keep a detailed inventory of the furniture and other articles in the prison and belonging to it; (7) to live in the prison, when his residence is there; (8) to deliver personally prisoners who are to be transferred to another prison or to a hospital; (9) to care personally for articles taken from prisoners under article 60; (10) to be present at the distribution of food to the prisoners (in the prisons of Mexico the warden may entrust this distribution to a deputy warden, who will always be responsible to him); (11) to provide for the collection of statistical data; (12) to execute orders communicated to him from superior authorities in due form.

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[a] See under "Care of health," post, for duties of medical officers.

ART. 106. In case the warden or head of an establishment refuses to fulfill an order of a competent authority he shall be deprived of office and the authority to whom the nomination belongs shall act. In case the disobedience constitutes a misdemeanor he shall be liable to a judgment according to law.

ART. 107. The warden or chief of a penal establishment who, notwithstanding the legal requirements, shall receive a present from any person or keep something longer than permitted by the constitution without giving notice of the offense to the political authority, if it is a judicial offense or other, the fault being his, shall be removed immediately from his office by the administrative authority, according to the terms of the preceding article, and shall be liable to the penalties of article 981 of the Penal Code.

ART. 108. On no account may wardens and other officers use prisoners for personal service, not even if they consent and receive pay for it. Nor shall a prisoner be received to lodge in a house.

ART. 109. Wardens and other officers of penal establishments shall not take for their own use or for their families any food destined for use of prisoners.

ART. 110. Violations of articles 108 and 109 shall be punished by way of discipline with a fine of 10 to 25 per cent of the monthly wages of the transgressor.

ART. 111. The authorities under whose inspection and care the penal establishment remain may suspend the wardens and other officials in case of grave faults or urgent necessity, dictate measures to prevent injury to the service, reporting to the proper authority that the vacancy may be filled.

ART. 112. The wardens and heads of outside prisons shall annually draw up a plan of regulations for the employees of the prison under their charge, specifying in detail the duties of each and all that relates to economic service. These plans shall be sent for his approbation to the governor of the District before December 1, and he shall return them, with the changes which he thinks proper, before January 1, the date at which they shall go into operation.

Records.—ART. 113. In each penal establishment shall be kept at least one book or register in which shall be noted the admission of prisoners or detained persons, besides that provided for in article 25 of these regulations.

ART. 114. For each prisoner or detained person shall be kept a record of: (*a*) The paternal and maternal name of the prisoner, and his first name or nickname (alias); (*b*) nationality and place of birth, stating the district and State or nation; (*c*) his civil status; (*d*) his office, profession, or usual occupation; (*e*) His exact or approximate age; (*f*) his religion; (*g*) his social class; (*h*) his race, if a Mexican; (*i*) his grade of instruction, specifying whether he knows how to read, or if he can read and write, if he has received complete primary or superior instruction; (*j*) the crime or misdemeanor charged to him; (*k*) the day and hour of his entrance; (*l*) the authority which sent him.

ART. 115. Only those individuals will be recorded in the book who are actually received in the establishment as prisoners or detained persons. Those that have been sent by the apprehending agents directly to the hospital or other place, as prisoners, ought not to be inscribed in the meantime nor enter actually into the establishment.

ART. 116. In making the record provided for in article 114 the greatest exactitude and clearness shall be observed, following so far as possible the rules for the entering of data in the statistical record fixed by articles 120 and 126.

ART. 117. The pardon or liberty, the pass of a prisoner to a hospital or to another prison, his escape or death, and any instructions relating to him dictated by authorities which modify his situation (formal writ of arrest, sentence, etc.) shall be noted on the margin of the record.

Prison statistics.—ART. 118. All the wardens and heads of penal establishments shall remit to the governor of the district in the first three days of each month detailed notices of admission and conditions in the establishment of his charge during the previous month. Said notices shall contain: (*a*) Admission; (*b*) personal characteristics of the person entering; (*c*) conditions.

ART. 119. The notice of admissions shall have as designation: "Name of the establishment ———; number of admissions during the month of ———, 19—, with record of cause of admission," and shall contain three columns: Days of the week; days of the month; theft, abuse of confidence, fraud and deceit, injuries, wounds, homicide, infanticide, insults, defamations, slander, falsification of money, falsification of documents, outrages against police, outrages of morals, rape, violation, abuse of authority, intoxication, other police trespasses, and minor misdemeanors. There shall be also a number of columns thought necessary left blank for misdemeanors and causes not specified, and in the last column shall be noted the total of daily admissions, as also in the last horizontal line, and the total for each cause. In the forms for notices of outside municipal prisons shall be printed as causes of admission: Theft, injuries, wounds, homicide, intoxication, and other police trespasses.

Art. 120. The notice of personal characteristics of persons admitted shall have for designation: "Name of the establishment ———; number of individuals admitted during month of ———, 19—, with designation of their personal characteristics," and shall contain the following columns: Days of the week; days of the month; sex, age, distinguishing less than 9 years, between 9 and 14 years, from 14 to 18 years, from 18 to 21 years, from 21 to 30 years, from 30 to 40 years, from 40 to 50 years, from 50 to 60 years, and over 60 years: civil status, distinguishing bachelors, householders, and widowers: nationality, distinguishing Mexicans of the Federal District, Mexicans outside the Federal District, and aliens: office, profession or principal occupation, including shoemakers, tailors, masons, butchers, carriers, laborers, employees, carpenters, day laborers, without occupation, and columns left blank for occupations not specified: grade of instruction, distinguishing can not read, can read, can read and write, complete primary education, superior education: social class, distinguishing first class (individuals of good position, clothed in sack or frock coat); second class (individuals of medium condition, who wear blouse or jacket, and pantaloons), and third class (individuals of inferior condition, who ordinarily wear a shirt and breeches): religion; distinguishing Catholics, Protestants, other religions, and without religion: race of Mexicans; distinguishing indigenous, mixed, white, and other races. In the last horizontal line of this notice is expressed the total of each kind.

Art. 121. The record of condition under the rubric of "Name of establishment ———, number of inmates in the month of ———, 19—, with record of entrance and discharge," shall contain, with specification of sex, data of condition of detained persons, and prisoners at commencement of month, the admission and daily discharge, and the daily condition, distinguishing those detained at the disposition of the political authority, those detained and on trial at the disposition of the judicial authority, and those convicted, subdividing them into convicts for a lesser charge, greater charge, ordinary imprisonment, extraordinary imprisonment, and penalty of death. Here also shall be recorded the totals of admission, of discharge, and those present.

Art. 122. The records relative to the house of correction shall be divided into two parts, having reference one to the department of correctional education and the other to the department of penal correction, and be subject to the following rules:

1. Record of the admissions and personal qualities of those admitted. Department of correctional education, comprehending cause of admission, distinguishing simple bad conduct and misdemeanors, with each recorded as it is; authority which orders the admission, distinguishing judges and governors of the district, stating if the recommendation was dictated by the office or at the solicitation of the fathers, tutors, or guardians of the minors; age, distinguishing less than 9 years, 9 to 14 years, 14 to 18 years, 18 to 21 years; nationality; office, profession, or principal occupation; grade of instruction; social class; religion and race, having the division and classification relative to characteristics conformably to article 120. Department of penal correction, comprehending cause of admission, with designation of misdemeanor; age, distinguishing 9 to 14 years, 14 to 18 years; nationality; office, profession, or principal occupation; grade of instruction; social class; religion and race, as provided in article 120.

2. Record of condition. This includes the condition at the beginning of the month, admissions and discharges of the month and the state at the beginning of the next, classifying those incarcerated in the department of correctional education with reference to the authority which committed them, and distinguishing, where the governor of the district is concerned, whether the decision was dictated from the office or on petition of parents, tutors, or guardians, and those incarcerated in the department of penal correction, those condemned for one year, for one to two years, for two to five years, for five to ten years and more than ten years.

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Art. 124. The keeping of records of the state of the population shall be the duty of the wardens or heads of the establishment, or of subordinates under their orders.

Art. 125. The statistical data shall be made and attested at closing the prison, and the employees charged with this duty shall not leave until the work is completed.

Art. 126. In making the record, the following shall be observed in addition to the established rules:

1. The classification of the charges (misdemeanors and crimes) shall be made to conform to the legal nomenclature of the Penal Code. * * *

2. The age shall be registered according to the declaration of the individuals; but if they are manifestly ignorant of it, or declare an age certainly belied by their appearance, the clerk shall follow his discretion in making the entry.

3. The classification by civil state shall record only the civil marriage, and not the canonical or concubinage. Therefore, those not married civilly shall be recorded as single.

4. The office, profession, or principal occupation shall be recorded according to the principal means of subsistence, and only those who live by their labor shall be recorded, and others stated to be without occupation.

5. Wherever no provision is made in this regulation, nor in the advice and instructions of the governor of the district, the established rules shall be followed, that there may be the greatest unity possible in the records.

ART. 127. The governor of the district shall send to the penal establishments forms printed for the record of the statistical data, and by means of orders and circulars shall give necessary instructions, that the records may be made with uniformity and correctness. * * *

ART. 128. The governor of the district may order that in addition to the data provided for by the regulation others shall be included in the registers.

ART. 129. The governor of the district shall condense in general statistics all the statistical records and publish annually the prison statistics. The publication shall be on the 31st of March of the year following that comprised in the statistics.

Superior inspection and examination of penal establishments.—ART. 139. The superior inspection and examination of penal establishments shall be made simultaneously: (*a*) In each establishment by the authority on which it depends or keeps it in charge, according to article 10; (*b*) the outside prisons by the prefects of the corresponding district; (*c*) all penal establishments by the governor of the district. The authorities mentioned shall exercise their inspection and examination in conformity with their own rules, yet in every case, except where the powers of one exclude those of the others, the orders dictated by a superior authority shall be sustained and respected by all inferior authorities. When two or more authorities take cognizance of a case the superior in the hierarchy shall decide.

ART. 140. In all economic matters the penal establishments shall be subject to the authorities on which they depend or that have control of them according to article 10, the powers of the inspecting authorities being limited to care for the execution of the laws and rules and to preventing and correcting the abuses, and to exercising the powers which this regulation expressly concedes.

ART. 141. The governor of the district and the prefects in each case may visit the penal establishments any day or hour to consider the conditions, to inspect the books and records, and make such investigations as they deem necessary; to talk any day and hour with the prisoners who are under a rule of silence by judicial order, to hear their complaints and dictate the request and necessary means for correcting abuses which they find; suspending and discharging employees where this is in his judgment indispensable, and dictating all kinds of means for the security of the establishment. When he notices any infraction of the regulation or the special rules of any establishment in any of the municipal prisons he shall inform the proper magistracy, and require the most speedy possible correction of the evil.

ART 142. The governor of the district may exercise his power by visiting the penal establishments, making investigations, talking with prisoners, and by means of special commissioners, but these shall limit themselves to giving the results of their inquiry without dictating of themselves any orders.

ART. 143. The powers of inspection and examination belonging to the magistracies shall be exercised by their respective directors of prisons, unless some contrary order is issued.

ART. 144. The board of supervision of prisons shall exercise the functions assigned to it by this regulation, and subject to its provisions.

ART. 145. The judicial authorities shall limit themselves in their visits to prisons to correcting abuses which they observe touching the prompt and complete administration of justice. In relation to discipline and interior direction, they shall communicate their observations to the authority over the prison, which shall dictate measures.

General rules.—ART. 149. In each penal establishment shall be made a plan, or at least a sketch, which the warden or head shall keep in his possession, and in which the arrangement of the edifice shall be indicated, with a statement of the purpose of each part. This distribution should be made for the governor of the district and for the proper magistrates, to whom the establishment is responsible, on the order of the warden or head. No change shall be made unless previously approved according to this article, and the act of changing without order shall be punished by a fine equal to the half of a month's salary of the warden or head.

ART. 150. The governor of the district shall always keep a collection of the last plans and sketches offered for the penal establishments, and when a magistracy has approved an arrangement they shall remit a copy to the governor.

ART. 151. In all penal establishments shall be kept a book in which shall be copied all orders for the service, complementary to this regulation. * * *

ART. 152. When a director of pensions, a magistrate, or a governor of a district, shall approve a measure for a warden or head of an establishment, the proposal as well as the appeal shall be certified in writing. In respect to the measures offered by the directors, the approval as well as the marginal order should be placed, properly signed, in the office of the proposer. The offices of approval shall keep them carefully in special bundles for this object, that they may serve for the protection of the warden or head of the establishment, and he shall keep a copy in a book, as ordered in the previous article.

ART. 153. No one shall obey verbal orders. The wardens and heads shall require in every case communications in writing. Yet in cases of urgency, telephonic orders may be sent, but the same day they must be confirmed in writing.

ART. 154. When a death occurs the heads of the penal establishments shall act according to article 134 of the Civil Code.

General prison—Preliminary directions.—ART. 158. The general prison shall be established in the edifice of Belem; shall be under the secretary of the Government and in immediate charge of the governor of the district.

ART. 159. This prison shall be divided into two departments, one for men and one for women.

Department of men.—ART. 160. The general department of men shall be subdivided into the following sections: (1) Those sentenced; (2) adults on trial; (3) youths; (4) under arrest; (5) isolated; (6) political prisoners, when no other building is assigned to them.

ART. 161. To the sections enumerated in the previous article shall be assigned: (*a*) To that for the sentenced, criminals condemned to imprisonment or seclusion; (*b*) to that for adults on trial, those over 18 years of age who have formally been declared prisoners; (*c*) to that for youth, persons under 18 years, whether detained or on trial; (*d*) to that for the detained, all individuals who enter and are not to pass to another department and meantime are not declared formally to be prisoners; (*e*) to that for the isolated, those prisoners who are to be kept entirely or partially from communication; (*f*) to that for political prisoners, all those who have been detained, held for trial, or sentenced exclusively for political offenses, even if under 18 years, during the time of isolation to remain without intercourse and then remain in the department for the isolated.

ART. 162. Only those shall go to the section for the sentenced who are confined for an irrevocable sentence—that is, a sentence from which the law provides no appeal. An appeal for mercy shall not suspend the transfer of a convict to this section unless there has been an order for suspension of the act appealed.

ART. 163. Prisoners both under trial and sentence shall be placed in the section for sentenced convicts.

ART. 164. Pederasts, of whatever age, and whether detained under trial or sentenced, shall remain in each case subject to the rule of partial isolation, and for this purpose shall be consigned to the section of the separated.

ART. 165. Convicts condemned to death or sentence of execution shall be assigned to the section of the isolated until the execution is ordered or a decision is made upon the appeal for pardon or grace, if there is intervention.

ART. 166. The designation of the section to which the prisoner shall be assigned shall be in the power of the warden, and may be revised by the governor of the district on the petition of the prisoner or of an officer.

ART. 167. To assign or retain a prisoner in a section which is not proper will be treated as a grave offense, unless special circumstances explain the error.

Section of the sentenced.—ART. 168. The section for those sentenced shall be in two subdivisions—one for those condemned to major or minor arrest, and the other condemned to prison.

ART. 169. From all prisoners in the section for the condemned shall be taken their hats, and to each shall be given a cap, marked with a number. Those condemned to prison shall use a red cap, those condemned to arrest a blue cap.

ART. 170. The warden shall collect and deposit the hats of the condemned, marking them with a number corresponding to that of the convicts, that they may be properly returned at discharge.

ART. 171. An extract of articles 71, 72, 74, 75, 80, 85, 86, 88, 89, 90, 99, 100, and 287 of the Penal Code shall be hung up in the place of common resort or distributed on separate leaves to the convicts.

General service of the employees.—(Articles 324–378 in the general prison.)—ART. 324. The corps of employees of the general prison shall be as follows: (1) The warden; (2) deputy warden; (3) monitors; (4) administrator; (5) bookkeeper; (6)

assistant; (7) archivist; (8) clerks; (9) physicians, of whom one shall be director of the medical service; (10) internes; (11) apothecary; (12) teacher of men and teacher of women; (13) barber; (14) servants. The salaries of these employees as well as their number may vary. They shall be annually fixed by the estimate of the budget.

ART. 325. All employees shall be named by the secretary of the Government on nomination of the governor of the district. The warden, in his turn, proposes persons whom he considers suitable, when monitors and clerks are in question, and the director of the medical service nominates physicians, internes, and apothecary. Excepted from this article are the barber and servants, whom the warden appoints, with approval of the governor.

ART. 326. The secretary of the Government may at any time remove the warden and the other employees of the prison. The warden may discharge the barber and laborers when he thinks best.

ART. 327. The governor of the district and the warden, in case of grave faults, may suspend at once any of the employes, immediately giving an account to the secretary of the Government. * * *

ART. 328. The warden may concede permission to the employees not to be present in the prison for three days, if they have sufficient reason; but in no case may permission be conceded to the same employee to be absent for more than three days in one month.

ART. 329. The governor of the district may grant permission to the warden and other employees of the prison to be away from duty fifteen days; but no one may authorize an employee to be absent more than fifteen days in one semester.

ART. 330. To secure a license for a greater time than that designated in the previous article, a written request goes to the secretary of the Government, first applying to the warden or medical director, according to the case, to be from one of them forwarded to the governor of the district. At the application a substitute shall at once be proposed. The concession of permits shall be subjects to the proper laws.

ART. 331. Every employee in leaving his post shall finally deliver an inventory to his substitute of all valuable objects in his charge, as well as of the prisoners under his custody. This delivery shall be by the medium of the warden or deputy warden, or by the warden himself, for the person designated by the governor of the district.

ART. 332. The employee who, without securing a permit or having resigned, or before the substitute is present and before he makes the delivery required in the previous article, abandons his post and charge shall be arrested as responsible for the misdemeanor of abandoning his employment, and the warden shall give notice of the fact to the governor of the district.

ART. 333. When an employee is granted a permit to be absent for a time not exceeding fifteen days a substitute shall not be named, unless the secretary of the Government considers it indispensible for the good of the service, the following general rules being observed:

(1) The warden and deputy warden shall supply each the other's place; (2) the monitors and clerks may take turns at discharging the duties of those who are absent; (3) the administrator and accountant shall supply each other's places; (4) the archivist's place is taken by one of the clerks detailed for the archives; (5) the physicians take each others' places, as also the internes, and one of the latter is substitute for the apothecary; (6) the woman teacher of women shall be supplied by one of the assistants of the school, and the teacher of men by a monitor.

ART. 334. The employees who, being proceeded against for acts relating to the discharge of their duties, have been confined in prison shall receive half their customary salary during the time of their detention, and if they are absolved they shall receive all that belongs to them. If they have been condemned to any corporal punishment, for this alone they shall be removed from their employment, but after repetition they may not obtain employment in any other prison.

ART. 335. The warden shall keep a book which shall be called "The Pages of Service of Employees," in which, setting apart a page for each employee, he shall note the date of his nomination, his task, his promotions, the permits he requests, with a remark on those conceded, and in general all that throws light on his conduct and abilities, terminating with his removal and the cause of it.

ART. 336. All employees are held to fulfill the duties assigned to them in the preceding chapters of this regulation, and further to fulfill the duties imposed by the following articles:

ART. 337. The warden shall indicate daily in an order of the day the distribution of the service and watch over the monitors and clerks, as well as the orders and decisions they have to execute. Especially must he direct the monitors who cover the night watch and the clerks who are to keep guard in the middle of the day.

The disciplinary penalties imposed on the employees he shall likewise place on the order of the day, and all actions which the warden considers proper to make known.

Art. 338. The order of the day shall be made known late in the evening, and for this purpose shall be placed in sight in the warden's office.

Art. 339. The warden shall render to the governor of the district each day, before 10 a. m., a report in which, in relation to the preceding day, he shall give specific details of the number, the admissions and exits of prisoners, and in which he shall mention the decisions and orders which he has dictated in relation to the service, the offenses committed by the employees, and, in general, all the new occurrences in the prison. The form of this report shall be fixed by the governor of the district.

Warden and deputy warden.—Art. 340. There shall be kept in the warden's office a copying book, in which shall be copied the reports referred to in the previous article, and, in general, all the official communications sent by the warden.

Art. 341. It belongs to the warden, as superior and head of the prison, to dictate, in respect to the economic and internal order, all means which will promote security and order in all things not provided for in this regulation, in supplementary decisions dictated by the governor of the district, nor in other rules.

Art. 342. The warden shall remain constantly in the prison and not go away except for grave cause and urgent reasons, for the service, or by the order of the governor of the district or judge, or by permission of the governor.

Art. 343. The deputy warden shall be the second head of the prison, shall assist the warden and perform all the duties and labors delegated to him. The deputy warden shall take the place of the warden in his absence if he gives him permission to perform his tasks on account of suspending his work, or when he is ill or for other causes is away, until a new warden is named.

Monitors (guards).—Art. 344. The monitors shall have charge of the security and good order of the prison. The warden, in making distribution of work among them, shall assign them to each one of the departments or sections and for the services of greatest importance. The general entrance of the prison, as well as those of the sections for convicts and detained and department of women, shall be watched carefully by the monitors. There shall be monitors who are to watch the flat roofs, the rooms for interviews, and other places which in the judgment of the warden should be the object of special care.

Art. 345. There shall be monitors of the first, second, and third classes. To be a monitor of the first class it is necessary to have discharged the duties of the second class at least for six months; so, also, to be named to this class it is necessary to have been a monitor of the third class for an equal time. The usual important and delicate services shall be assigned to monitors of the first class and those of less importance to the third class, the warden in each case determining the class of the monitors that should be intrusted with the service.

Art. 346. The monitor shall take his meals in the prison, and may not go away from the post which has been committed to him unless previously relieved, when he may retire from the post for a time strictly necessary, taking the keys of the department which belongs in his charge and leaving it secure.

Art. 347. The monitors shall remain in the prison from 6 in the morning till 7 at night. They shall give immediate reports to the warden or deputy warden of any abuses and offenses noted and bring them to attention, and at retiring shall give reports in writing of any new occurrences in the service.

Art. 348. The teachers of the schools shall be considered monitors, and, in addition to their general obligations, shall be under those which correspond to their offices as instructors of prisoners.

Art. 349. The monitor of the isolated prisoners, in addition to his general duties, shall have the following: (*a*) To hold in his keeping the keys of the cells; (*b*) to give out food to the isolated men; (*c*) to see that they do not communicate with each other or with persons outside, save as permitted by this regulation; (*d*) to require a written order from the proper authority, or from the warden, without which he shall not obey any order to place a prisoner in seclusion or to return him to his department; (*e*) to record in a book all orders received, as also the exit of prisoners from his charge. In the same book there shall be made on Monday of each week a general list of all prisoners found in the department, specifying the date of entrance and the authority which ordered the measure.

Art. 350. The monitors charged with watching the general entrance to the prison, the sections of those under sentence, on trial, and the women's department, shall have the following duties, in addition to their general tasks: (*a*) To note in a book kept for the purpose the entrance and exit of each prisoner. When a prisoner having gone out of a department or section returns to enter on the same day, the notice of his entrance shall be made on the margin with that of his exit. (*b*) Not to permit any prisoner to go out without written order of the warden; or if it is a question of going out to the gratings of the tribunals or to the interviews with the advocates, without order of the judge, or his secretary, or without a card signed by the counsellor. During the visits of the authorities to the prison those prisoners will be permitted to go out whose presence is required by a previous order of the authority who makes the visit.

Art. 351. All monitors to whose care a department or section is entrusted must note in a book kept for the purpose the names of all prisoners under their custody. On Monday of each week there shall be written in this book a list of the prisoners present.

Art. 352. All the monitors in turn shall keep watch at night, and for this purpose shall be divided into groups, and such members as the warden thinks necessary for night duty, under the orders of the warden or deputy warden, who also shall alternate in this duty. The monitors on night guard shall retire at 7 a. m. and not return until 6 a. m. of the day following.

Art. 353. All the monitors shall use a club, and also those which the governor of the district orders shall be armed with pistols provided by the prison.

Art. 354. The monitors and other employees are responsible for all offenses committed in their department or section, unless they give notice promptly or use means necessary to prevent them.

Art. 355. The offenses of the employees of the prison shall be punished by the governor of the district, by fine and suspension of the employee, according to the gravity of the case; and if there is any misdemeanor the person shall be sent to the proper authority.

Art. 356. On Sundays and national holidays the warden shall determine how many monitors will be on guard. This service shall be performed in turn, and among those who have day duty shall be taken, also in turn, those necessary for the night watch.

Administration.—Art. 357. The administrator shall have charge of the employment, guarding, distribution, and in general all that relates to the funds and property of the prison, and consequently it belongs to him to attend to all which relates to the following branches:

(1) Food of the prisoners; (2) work of the prisoners and shops; (3) furniture, utensils, fixtures, and articles for the service of the prison or of the employees or prisoners, if the use is for the prison; (4) disbursements of the prison; (5) payment of wages of employees; (6) repairing buildings and construction of new departments.

Art. 358. The purchase of materials and whatever is necessary shall be made by the administrator, on approval of the governor of the district, in the following cases: (*a*) Contracts for supply of meat; (*b*) purchase of rice, beans, corn, flour, grain, and other articles of food; (*c*) purchase of materials for building, furniture, books, writing materials, or any others, provided that the amounts do not exceed $100, or the articles in one month do not exceed that quantity.

Art. 359. The approval of the governor of the district may rest on the basis of a contract negotiated by the administrator or consist in an authorization for him to go forward on a certain fixed basis of time, price, form of payment, etc.

Art. 360. No contract shall be ratified in virtue of which an obligation will be contracted for another fiscal year, or to be fulfilled in a year different from that in which the contract is made.

Art. 361. The determination of the wages to be paid to the prisioners who labor on prison account, or the prices for articles made by them, shall be made by the administrator in agreement with the warden, whose approval shall be made known in writing.

Art. 362. The administrator shall not approve any payment not previously offered by the governor of the district, and therefore he shall send on the 25th day of each month to the governor of the district a budget of payments which must be made the next month. The governor shall send back the proposal with his approbation and modifications at latest on the last day of the month. For the payments made in the course of the month and not included in the budget a special approval of the governor must be procured.

Art. 363. When it is a question of payment for articles received, the payments shall not be certified unless the proper invoice or receipts signed by the employees has been received.

Art. 364. The administrator shall not make any loans to the employees or servants of the prison, nor any advances on their accounts of credit.

Art. 365. The effects or articles destined for the use of the prison or prisoners shall not be received by the administrator without a written order of the warden and a receipt signed by the warden or by the employees indicated in the order. The administrator shall be responsible for every reception verified without requisitions, and he shall be required to replace the articles.

Art. 366. The administrator shall keep safe receptacles for all the articles of value or moneys for goods which come to the chest of the prison, or he shall be pecuniarily responsible for negligence if anything is lost.

Art. 367. The administrator shall keep the accounts by double entry. He shall have as many assistants as necessary, in all cases keeping account of the convicts who work, record the quantity they deliver as a product of their work for a reserve fund or for the payment of their civil obligations. He shall keep a special account of each shop and of the food in the form that is necessary to determine with all exactness the results of each workshop and the average cost of the rations.

Art. 368. The proceeds of the work of prisoners shall enter into the municipal treasury of Mexico for safe-keeping. In making the deposit the administrator shall state precisely how much belongs to the reserve fund of the convicts, how much to the civil obligations, and how much to improvement of prisons.

Art. 369. Monthly there shall be a balance of the general books of accounts and all the auxiliary books. The balances shall be remitted to the governor of the district in the first eight days of the following month. With the balances shall also be remitted to the governor of the district a summary or general statement of the operations of the administration in the month, giving all the data necessary for an exact idea of its course, and especially the following: Value of the articles made by the prisoners; amount of wage payments, of materials bought and consumed, and the sales of manufactures; quantity and value of each one of the articles consumed for food; cost of each ration of the diet; amount of salaries paid and expenses defrayed; and cost of expense per prisoner per month. The form and date of this statement shall be approved by the governor of the district.

Art. 370. In addition to what is provided in this regulation the administrator shall submit all that relates to the distribution of funds, approval of payments, care of the funds and rendering of accounts, the regulations in effect for the public employees who manage the federal funds, and the orders received from the secretary of affairs (Hacienda) or from the general treasury of the federation.

Art. 371. The administrator shall be aided in the labors of the administration by the bookkeepers and clerks as far as necessary. For the service of the cellars, kitchens, and workshops he shall have under his orders persons necessary, whose number and remuneration shall be fixed by the governor of the district on suggestion of the administrator.

Art. 372. The administrator, as head of all the administrative service, shall be charged with dictating all the measures necessary for the security and good management of the funds and valuables of the prison, distributing and regulating the labors as is most convenient. When it is necessary, because his measures may affect other services, he shall consult the warden, who shall be informed of the affairs of administration, and for whose use all necessary documents shall be provided, which are sent to the governor of the district, as well as all the advice that he thinks necessary.

Art. 373. In the administration of food the warden shall daily send to the administrator a ticket which shall designate the number of rations necessary for the following day, in view of the present population and the probable admissions and discharges. To avoid having more rations than is necessary the warden should make a list of the prisoners on trial who do not receive rations from the prison and deduct from his requisition this number of rations.

Art. 374. The administrator and the bookkeeper shall be careful to conform their management to the regulations of the matter.

Clerks.—Art. 375. The clerks shall be assigned to the different offices of the prison according to the necessities of the service. Those assigned to the archives, to the administration, and to the anthropometical cabinet shall be subject to the orders of the respective heads and give themselves to the corresponding labors.

Art. 376. The clerks assigned to the office of the warden shall keep in books lists of entrance and departures of prisoners, declarations of formal imprisonment, sentences and other decisions which have been communicated to the warden, and attend to the other labors of writing and correspondence in the office. They shall come at 8 a. m. and go away at 7 p. m., although the warden may permit them to go earlier if there is no further work to be done. For dinner they may go out from 1 to 3 p. m., but during this time each one in his turn shall keep guard.

Art. 377. The assignments of the clerk shall be made by the warden, with a hearing of the heads to whose service each assignment is made, and modifications in the same way may be made at any time. When there is a new task in any branch of the service, and the warden shall order clerks in another branch to assist, if it can be without injury to the work which belongs to them, and within the hours fixed by the warden, they shall aid in the office when there is extra work; the work regularly assigned shall have the preference, but not exclusively.

Servants.—Art. 378. Of the servants of the prison one shall be appointed to be doorkeeper of the warden's office and the other as guard. All servants shall be under the orders of the warden and discharge their duties according to rules made by him.

Head and assistants.—Art. 207. In each hall a prisoner of good conduct shall be selected, under the title cabo, who shall perform the duties of head of the hall and be charged with the task of maintaining order and discipline. When in the same hall there are more than 20 convicts, there shall be 1 assistant for each 20 or portion of 20 over 10. The assistants shall follow the orders of the head.

Art. 208. In the schools assistants shall be chosen; 1 for each 20 or group of over 10 persons. These assistants shall be under the order of the instructor and shall help keep order and instruct the convicts.

Art. 209. The head and assistants shall be named by the warden, on suggestion of the monitor and with approval of the governor of the district. The warden has power to displace them at any time, it being enough for him that he does not consider it prudent to keep them in charge; and he must remove them when they commit any grave offense.

Art. 210. For assistants in the classes these convicts shall be selected by preference who do not hold office and who are of good behavior.

Art. 211. The heads shall keep lists in which they record all the prisoners under their orders, taking care to note the date of entrance of those consigned to the hall and of the departure of those who go out. In those lists shall be noted daily the assignment of work and the general conduct of each convict, and in the form of clear and precise observations all the particular acts of prisoners which imply good or bad conduct and indicate the grade of morality. These lists shall be revised by each monitor, who must make clear in them the inconsistent points and, having certified as to the conduct and assignment of labor to the head (cabo), shall forward it to the warden on the last day of each month.

Art. 212. The heads (cabos) shall receive for their services $10 per month and the assistants $4 per month.

Reception of Prisoners.

REGULATIONS COMMON TO ALL THE PENAL ESTABLISHMENTS OF THE DISTRICT.

Transportation, admission, transfer, and departure of prisoners (articles 11–36).—Art. 11. Individuals apprehended shall be conducted from the place of apprehension or the office of police to the proper prison according to regulations of the police.

Art. 12. In each of the prisons of the district shall be received all individuals apprehended according to the laws and ordinances of the respective departments, and there sent by competent authorities.

Art. 13. In no prison shall children of prisoners be received, unless they are infants and dependent on the mother when she is placed in the prison. Afterwards, unless the prisoner designates a person to whom they are to be consigned, they shall be sent to the house of exposed children if under 6 years, and to the hospital of the poor (foundlings) if over 6 and under 10 years.

Art. 14. The committal of prisoners to the prison shall always be accompanied by an order or document which contains the assignment of the prisoner or the command of the authority which determined the apprehension.

Art. 15. In these orders and documents mentioned in the preceding article shall always be contained the designation of the crime, or the reason for arrest, in the form prescribed by laws and regulations.

Art. 16. At the moment when the prisoner is received his admission shall be recorded in a book, and there shall be taken from him objects noted in articles 55, 57, and 58.

Art. 17. On admission of the prisoner the warden shall give a receipt to the person who conducts him, mentioning the hour of delivery.

Art. 18. On no other conditions than those in articles 14 and 15 shall any individuals be received into the prisons.

Art. 19. Prisoners shall go out from the penal establishments where they are placed only: (1) When the authority which holds them in control gives a written order placing them at liberty. When a prisoner shall be at the same time under control of various authorities he shall be released only on the previous order of each of them.

(2) When, in relation to persons detained or held, the authority which controls them gives written orders that they shall be conducted to another establishment. * * * (3) When persons sentenced have served their terms, are pardoned, or are conditionally released.

Art. 20. When a prisoner is to be transferred from one prison to another, or to any other place, the authority which has control of the prisoner shall give to the warden or superior officer a written order that he may deliver him to the person designated to conduct him. When the transfer is accomplished there shall be sent to the warden or superior officer of the establishment from which the prisoner has been transferred, even if it is from the same district, military or Federal, or from a state or territory, a copy of the order of entry and the later annotations, and if it is a person who has remained in the prison for more than one month, there shall also be transmitted information on his conduct and antecedents, and the work on which he has been employed. The sending of this information will be made by the person who conducts the prisoner; or, if this is not possible, from lack of time, within five days by post, a copy of the communication which contains the information being retained.

Art. 21. The conveyance of convicted persons to arrest, imprisonment, or death shall always be with a sufficient and armed force. The conveyance of individuals not yet definitely condemned may be made in any way approved by the authority competent to order the transfer of the prisoner, yet not by an armed guard, except in the case mentioned in the previous article.

Art. 22. Always provided that there is no infraction of articles 20 and 21, the wardens and assistants shall execute strictly and under extreme responsibility the orders for the transfer of prisoners which are communicated by the competent authority.

Art. 23. The person charged with conducting a prisoner has authority to dictate all the measures which he thinks proper for an efficient custody, and he should exercise special care with the individuals whom the warden or the authority designates as being dangerous. The person charged with the transfer is responsible for the escape of the prisoner, whether this occurs by positive acts or by omission to dictate prudent means to avoid it. In case of flight, arms may be used to prevent it or to secure the immediate capture of the fugitive.

Art. 24. For the secure transportation of prisoners handcuffs, leather straps, and other means may be employed if they are limited to impeding flight and securing the prisoner; but no suffering shall be inflicted which could be called torture.

Art. 25. The warden, at the delivery of a prisoner, shall require for his security from the person charged with conveying the prisoner a statement which affirms the delivery, and in which shall be noted whether the prisoner has been designated as dangerous. These statements, to which these articles refer, are kept in a book set apart for the purpose, to be kept in each prison.

Art. 26. Wardens and others employed in the prisons shall never take the charge of conducting prisoners outside the edifice.

Art. 27. Sick prisoners shall ordinarily be treated in the prison and in the department or place where they find themselves, and they shall not be sent to a hospital or infirmary save in case of absolute necessity.

Art. 28. Prisoners who can not be treated in the place to which they belong may be sent to an infirmary. For this transfer there is required an order from the physician or under surgeon of the guard, and certificate of verification. No prisoner shall remain in the infirmary longer than is necessary, and the physician shall indicate when he ought to return to his department.

Art. 29. All the sick who are in the infirmary shall remain on their beds and shall be permitted to go to the courts or corridors of the prison only by order of the physician.

Art. 30. The sick prisoners who are kept from communication shall be assigned to a department where communication is forbidden, and if by absolute necessity they are removed to an infirmary, adequate precautions shall be taken to prevent communication.

Art. 31. Transfer of prisoners to hospitals will require: (1) The order of the proper judge dealing with those detained or on trial; (2) the order of the governor of the district, or in care of the political prefect of Tlalpam, dealing with convicts already condemned. In any event the precise condition of transfer is the prisoner's certificate of the physician, or of each physician if there are several, to the necessity of the transfer.

Art. 32. When a physician or physicians declare it necessary to transfer a prisoner to a hospital they shall give written advice to the proper warden, with an accompanying certificate. The warden shall yield the prisoner to the person designated in the previous articles, and await his decision without dictating measures of precaution.

Art. 33. The authorities mentioned in article 31 may hear and take counsel so far as convenient, seeing to it that the greatest brevity possible is observed.

Art. 34. There may not be an order for the transfer of a prisoner to a hospital nor to an infirmary except by reason of an illness which seems serious, or in the judgment of the medical man indicates mental alienation.

Art. 35. In the act of leaving a prison a prisoner shall have the proper certificate, the first being nullified if the departure is final, or simply noted if the prisoner must return to the prison.

Art. 36. At transfer of a prisoner to another prison, there shall be sent to the proper warden a signed receipt for the objects referred to in article 60.

Reception of Prisoners in the General Prison.

Service of identification and anthropometry, general prison.—Art. 259. There shall be taken an anthropometical measurement of all prisoners included in the following enumeration: (*a*) Those formally declared prisoners; (*b*) those who, without formal previous declaration, are condemned to a penalty exceeding twenty days; (*c*) accused who are conceded conditional liberty.

Art. 260. The anthropometical measurement shall conform to the Bertillon system and include (*a*) the following measurements: Stature, arm, bust, longitudinal and transverse diameters of the head, length and width of the right ear, length of the left foot, middle finger or little finger of the left hand, and the left forearm; (*b*) color of iris, expressed in the corresponding Bertillon number, form of aureole and color of the periphery; (*c*) an impression of the center of the thumb, index finger, ring finger, and little finger of the left hand.

Art. 261. The description of each prisoner shall be placed on a separate card, on which shall also be written: (*a*) descriptive notes in relation to the head and posterior part of the neck, face, and anterior part of the neck, chest and abdomen, back, upper limbs, lower limbs; (*b*) number of page corresponding to the prisoner in the general register; (*c*) circumstances mentioned in article 114.

Art. 262. To the measurement cards of the prisoners shall be attached their photographs.

Art. 263. When prisoners return, a new card shall not be made, unless by lapse of time or for other cause there have been considerable changes which demand modifications in the descriptive notes which can not be placed with the previous ones.

Art. 264. Aside from the case mentioned in the preceding article the new portraits shall be connected with the first card, yet so that the first picture shall not be made useless.

Art. 265. The anthropometical record shall be made as a general rule the same day or at latest the day following that in which the prisoner has been included in the provisions of article 259, if they are in prison; or, if they are first in a hospital, the record is made when they enter the prison. To carry this article into effect the warden shall daily send to the curator of the anthropometical cabinet one or more lists of prisoners who are to be measured. The curator of the cabinet shall make the signalments on the same or the following day, as provided; but should put first those marked by the warden in his list as urgent.

Art. 266. The cards are to be classified according to the Bertillon system, each being arranged for comparison with its proper group. If at the placing of the card it is evident that the prisoner has been recorded before, the new one will be placed with the older, and the signalment will be sent to the archives for its inscription in the general register, the number and names inscribed on the older cards being given.

Art. 267. The service of the anthropometrical identification shall have a confidential character, and employees are prohibited to give out signalments or copies of documents without judicial order of the governor of the district. The violation of this rule will be punished with a fine equal to the salary which the responsible person receives, for a time not less than eight days nor more than one month.

Art. 268. The anthropometrical cabinet shall be in charge of the medical director, assisted by the physicians of the prison.

Photography.—Art. 269. All prisoners shall be photographed who are formally sentenced to prison and those who are conceded conditional liberty.

Art. 270. The photographic service may be under contract or under the administration, in either case subject to the following rules:

Art. 271. Of each individual shall be taken the photographs of the bust, one of full view and the other of the profile, both of dimensions of 122 mm. by 75 mm. In the portrait of the front view shall be seen the shoulders and in that of the profile the right side, care being taken that the ear and forehead shall not be concealed by hair. In both positions the head shall be uncovered, and care must be taken that the prisoners are not represented with handkerchief, muffler, or any other protection or object which may conceal them. And the pictures shall be on a scale of one-seventh of the natural size, and be held in clasps 13 mm. by 9 mm. The negatives shall not be retouched, and they shall be the property of the prison.

Art. 272. Of each picture shall be made six copies—for the judge or authority which committed the prisoner, to the inspector-general of police, to the governor of the district, to the anthropometrical cabinet, to the archives, and the last to form in the office of photography a collection of such copies, pasted to leaves of card, marked in numerical order corresponding to numbers in the anthropometrical cabinet. This collection shall not be taken from the office of photography, the photographer being responsible for their safe-keeping.

Art. 273. The orders for making the photographs shall be issued by the warden.

Art. 274. The pictures shall be made at least in four days from the giving of the order; but those which the warden marks urgent shall be made immediately.

Art. 275. The photographer shall be at the prison daily, except Sundays and national holidays, at least from 11 a. m. to 1 p. m., and 3 to 4 p. m., to receive orders and make photographs.

Art. 276. The photographer shall keep a book in which to note the numbers of the consecutive orders corresponding to each plate, the name of the prisoner, the date of making the negative, the decree of imprisonment; the name of the prisoner and the number of the order of sentence being printed on the negative.

Art. 277. The photographer shall be subject in the making of the portraits to the regulations given in preceding articles and to the instructions of the chief of the anthropometrical cabinet.

Art. 278. The service of photography is of a confidential character, and the photographer as well as the employees are forbidden to give out copies of pictures except on judicial authority or that of the governor of the district. The violation of this article shall be punished with a fine equal to the salary of the culpable person for a period not less than eight days nor exceeding one month, if an employee, and otherwise $25 to $100.

Archives.—Art. 279. In the warden's office shall be kept these books: (*a*) Of admissions; (*b*) of individuals declared prisoners; (*c*) of individuals sentenced; (*d*) persons liberated, or for other reasons set free from the prison; (*e*) auxiliary books necessary in the judgment of the warden and the other books provided for in this regulation.

Art. 280. The book of admissions shall be kept according to article 114, noting in addition the names of the father and mother, and in each case the penal establishment or police inspection from where the convict was sent.

Art. 281. In the other books shall be entered the proper facts, care being taken to indicate the paternal as well as the maternal surname of the person.

Art. 282. The general archives of the prison shall keep books called the "register general," in which a leaf shall be kept for each prisoner, beginning with the notices required by article 280, and setting down in chronological order the declaration of penal committal, sentence, or conclusion of the judge; the conveyance to prison, the end of sentence, release, and all dates relating to the individual. When prisoners are photographed, the pictures shall be attached to the proper leaf, and when a signalment is made it shall be copied. When the prisoner returns, a new page shall not be opened unless previous entries have been continued, or when the person has not yet been identified at opening the new page; and as soon as identification has been made, the entries shall be transferred to the first page, a note being placed in the other closing the account.

Art. 283. Daily at 3 p. m. the warden shall deliver to the archivist the books mentioned in article 279, in order to make entries for the day, which shall be closed in the evening and not taken by the archivist or his clerks before the termination. At the same time shall be delivered to the archivist the copy of the part corresponding to the previous day, and in general all the facts and documents which furnish the basis for the matter to be copied in the general register.

Art. 284. In each part of the books of the warden's office, and in each document delivered to the archives, the number of the page shall be registered.

Art. 285. All the pages of the general register shall be numbered in order, the numbers being continued from the previous book, and an index book shall be kept in which is noted the paternal and maternal surname of the prisoner and the number of his page.

Art. 286. In addition to the index required in the preceding article, another shall be kept on cards which record the name and the paternal and maternal surname of the prisoner and the number of his page. These cards shall be kept in boxes especially suited to this purpose and in exact alphabetical order, first the paternal surname and then the maternal, and after that his own name.

Art. 287. The loss of one of these cards referred to in the preceding article shall be a reason for suspension of the archivist from three to fifteen days the first time, double period the second time, and removal the third time.

Art. 288. The archivist shall keep other books in which, in chronological order, the date when the sentence of the prisoner expires or in which notice must be sent to some authority. * * *

Art. 289. The notice or orders of formal imprisonments, liberation, or sentence received at the warden's office shall be delivered daily to the archivist for keeping. He shall arrange them in packets by months and years. The three documents are sent to the same office and shall be delivered to the archives immediately.

Art. 290. The books kept in the warden's office shall be delivered to the archivist immediately after they have been published.

Art. 291. The archivist shall remain in the prison long enough to complete his work. The clerks of the archives shall be under the immediate direction of the archivist, and shall perform under his inspection all the work which belongs to them.

Art. 292. The archivist shall make all the entries with great exactness, and in case of doubt about any of them, before making the entry he shall inquire in the warden's office, the anthropometric cabinet, or the proper judge, tribunal, or authority for data and necessary information. While he is waiting for this information he shall make the entry in a special book.

Art. 293. Prisoners shall not enter the archives, but may have necessary communication with the archivist through a grating.

Art. 294. The door of the archives shall remain closed during the time the archivist is there, and when he goes out he shall lock the door and deliver the key to the warden.

Art. 295. The rooms where the books of the general register and the indexes are kept shall be securely locked, and the key shall be in possession of the archivist and not trusted to any other person for any reason. If the locks have a combination, it shall be known only to the archivist, the warden, and the governor of the district.

Art. 296. The archives are subject to regulations of article 267. They are confidential.

Art. 297. The archives remain open from 8 a. m. to 1.30 p. m. and from 3.30 p. m. to 6 p. m. If the work is not completed the archivist will prolong the labors up to 8 p. m.

Rules of Conduct.

OF DISCIPLINE AND REGULATIONS WITHIN PENAL ESTABLISHMENTS.[a]

Condition of the edifices and their division into departments.—Art. 37. The edifices destined for penal establishments shall be always confined by walls that do not have windows or other broken spaces less than three meters above the public street, and none shall have more than one door of entrance. The communications which it is necessary to provide with the tribunals and other offices shall be by means of openings with fixed iron gates which can not be opened, except those which lead to the rooms of the jurymen. All the openings in the wall and partitions which confine the penal establishments from the exterior shall also be protected by gates of iron and network of wire.

Art. 38. In each of the prisons of the district there must be at least two departments, absolutely independent of each other, one for men and one for women.

Art. 39. In all prisons destined for secure keeping of persons detained or convicted, in which there are ordinarily more than 25 prisoners, there shall be distinct departments in which shall be collected those designated by the proper authority.

Art. 40. There will be no distinctions in the departments for those under sentence.

Art. 41. On the walls of the rooms in which the distinctions are established shall be posted in large characters articles 47 and 49.

Art. 42. In all prisons there shall be baths and tanks for washing, where prisoners may bathe themselves and wash their clothing.

Art. 43. All the walls of prisons shall be painted a dark and uniform color (without drawings), up to 2½ meters above the level of the pavement. Every six months, or more frequently, if necessary, the wainscot shall be renewed and painted for purposes of disinfection and cleanliness and to obliterate inscriptions and drawings.

Entrance of free persons.—Art. 44. With the exception of employees of penal establishments and servants and workmen required for the service, no one shall be permitted to enter, except public officers in discharge of their duty, or persons authorized in written permission to visit by authorities named in article 13.

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[a] Compare articles 215-223, post, under "Disciplinary measures."

ART. 45. No one shall enter the interior of prisons with the object of visiting any employee. In respect to employees who reside in the prison itself, there shall be special entrance to their dwellings, and in each case access to such dwellings shall be regulated by particular rules made by the authority over the prison for the purpose.

ART. 46. Persons who come to visit prisoners shall not pass farther than the conversation room set apart for this purpose.

Prohibition of acceptance of fees, presents, etc.—ART. 47. For no reason or no purpose shall fees be received in the prisons for the prisoners.

ART. 48. No officer or employee of a branch of the prison shall receive anything from prisoners nor their families as a gratuity, gift, or present.

ART. 49. The prohibition in article 47 includes the case of a gratuity.

Correspondence of prisoners.—ART. 50. Prisoners, whether detained, on trial, or condemned, may have communication with free persons; but the letters, whether sent or received, shall be opened and given up to the warden or head of the establishment, who may blot out words so as to make illegible the phrases or words which he thinks proper, or to retain the letter in case it is necessary to blot out all the words in order to send it forward.

ART. 51. In case of the last part of the previous article the warden or head of the establishment, without blotting any word, will send the letter to the proper judge, if it is from a detained person or one on trial, and to the governor of the district in the City of Mexico, and further to the political authority or commissioned director of prisons if it is from a condemned felon. If only a few unfit words are in question on account of some points which relate to public justice or security, the original letter shall be sent to the proper authority, that he may take cognizance of it.

ART. 52. Correspondence directed to prisoners by the general post shall be delivered to the chief of the establishment, in order that he may be able to give it to the persons addressed, who shall open it in the presence of the chief and shall give it up before taking possession of it, according to the rule in article 50. The certified correspondence shall be received by the prisoners in presence of the chief of the establishment and immediately opened, also in his presence, and shown him, as required in article 50.

ART. 53. The letters which prisoners send to their advocates, as also those received from them, shall not be subjected to examination, and both may be sealed, yet always by the medium of the chief of the establishment.

ART. 54. Excepted from the rule of article 50 are prisoners for whom it is ordered by the proper judicial or administrative authority that thay shall not hold communications. These persons may not communicate except with persons to whom it is expressly permitted in writing by the authority which has interdicted communication.

Things prohibited to be introduced or possessed.—ART. 55. The following objects may not be introduced into the penal establishments: (*a*) Arms and instruments or objects which serve as such; (*b*) large bars, cords, and other objects which may help escape by scaling walls, boring, or other means; (*c*) intoxicating drinks, opium, or other narcotic or poison; (*d*) playing cards and other objects of gambling; (*e*) guitars, mandolins, and other instruments of music; (*f*) powder and other explosives and objects compounded with them; (*g*) money and bank bills; (*h*) objects of value; (*i*) obscene and immoral books and pictures; (*j*) periodicals, political and general; (*k*) other articles named by the governor of the district.

ART. 56. The prohibition of the previous article does not prevent, with the special consent of the warden or chief, and subject to the regulation dictated by the authority on whom the establishment depends, the introduction of tools and objects useful for work, although they might be used as weapons, and of medicinal substances, although they may be narcotic and poisonous; yet in each case precautions ought to be taken to see that order is not disturbed and improper uses are not allowed. In exceptional and necessary cases there may also be permitted the introduction of other prohibited objects, in the form and under the conditions of the previous clause, when such objects are not for the use and consumption of the prisoners.

ART. 57. No prisoner shall have in the prison domestic animals.

ART. 58. No prisoner shall have more than three complete suits.

ART. 59. Wardens may leave in possession of the prisoners all objects which they may properly possess in person.

ART. 60. The objects which prisoners may not have under this regulation shall be taken away at their entrance, a detailed receipt being given by the warden or chief of the establishment. These objects shall be returned at the discharge, or before, if any person is designated to receive them. The receipts referred to in this article shall be given in a certain order and kept in the office of the warden, and in it shall appear the number of the prisoner from whom the articles have been taken, their quantity and quality, with all possible specification. When the objects are returned the receipt given by the warden will be taken back and thus certified by the prisoner on it. If the prisoner does not give up the receipt the restoration shall be noted in a separate document. In case of the death of a prisoner, if the objects are not reclaimed within fifteen days by relatives, they shall be sold and the proceeds given to the improvement of the establishment.

ART. 71. No prisoner, even if he be a detained person or on trial, shall be permitted to go from his department, except upon affairs by order of the judge or authority over him, to receive a visit or to perform necessary acts of service.

ART. 72. The prisoners shall not have keys, bolts, or bars inside the doors of their rooms.

ART. 73. In the departments of women male prisoners shall not be permitted to enter, and when it is indispensable for making repairs or other necessary purpose appropriate means shall be taken to avoid communication with female prisoners. Women shall not enter the male departments.

ART. 74. On no account shall trade be permitted in the penal establishments, even in objects whose admission is permitted. Neither shall prisoners be permitted, among themselves or with employees, to sell, pledge, or lend.

ART. 75. Any contract which violates the previous article shall make the guilty persons liable to correctional discipline under the regulations, and the head of the establishment shall prevent the execution of the contract.

ART. 76. So far as compatible with these regulations and the order and discipline of the prison, in the judgment of the warden or head of the establishment, the persons detained and under trial shall be permitted to use furniture which is their own property and in other ways diminish the inconvenience of the reclusion.

RULES OF CONDUCT IN THE GENERAL PRISON.

Section of those on trial.—ART. 226. Persons on trial shall not be subjected to a fixed rule, save as ordered in this chapter, and shall enjoy the following immunities: (*a*) To employ themselves at work they may choose; (*b*) to receive food from without; (*c*) to keep in their room furniture and objects not forbidden, in proportion to their means, and which in the judgment of the warden are not objectionable.

ART. 227. The food for those on trial sent from outside shall be received between 11 and 12 daily in baskets or bottles marked with the name of the prisoner on a ticket. These shall be received in presence of a guard, who shall keep a record and see that no contraband articles are introduced. (See article 55.)

ART. 228. At the same time that food is brought other permissible articles may be given to the persons on trial.

ART. 229. Visits may be made weekly to persons on trial in the order of the subwarden's list. The first visit shall be on the day of admission, if there is a request for communication, and if not, on the day following that when the isolation began.

ART. 230. Visits shall be only in the conversation room set apart for the purpose, in presence of a guard, shall continue an hour at most, and be between 2 to 5 p. m.

ART. 231. There shall be a place for interviews of the attorneys who are on an approved list of the warden. To this room those on trial shall be conducted, first having a card signed by the attorney.

ART. 232. The visits of attorneys may be verified each day, even in vacations of courts, from 8 a. m. to 6 p. m., and employees shall not be present. Notwithstanding, if the warden fears that there may be disciplinary offenses and infractions of the law and of this regulation, he may employ the means necessary to prevent the offense.

ART. 233. The prosecutors may communicate with persons on trial on the same conditions as apply to advocates.

ART. 234. To the bars of the tribunals only shall be conducted the prisoners summoned by the judges, by means of a ticket signed by them or their secretaries.

ART. 235. At the entrance of the section shall be placed one or more summoners to call the prisoners. These callers shall be chosen from among persons on trial and have $3 a month for their remuneration.

ART. 236. There shall be special departments: (*a*) One for persons designated by the authorities which control them; (*b*) one for the agents of police, judicial or administrative, for those who are connected with the penal departments.

ART. 237. The distribution of food shall be at the same hours and on the same conditions as apply to the convicts.

ART. 238. The prisoners shall be locked in their respective halls after the count at 5 p. m. in the months October to February, and at 6 p. m. the other months of the year. From that hour to 6 a. m. the rooms shall be locked.

ART. 239. Those persons who are on trial may go from their department for work or visits only, and shall not be permitted to go out with a hat, except when they leave the building.

ART. 240. In each hall used as a dormitory there shall be a monitor to keep order, and if there are more than 50 prisoners in one hall there shall be added an assistant for each 50 prisoners or fraction of 25 or more. The assistants are responsible to the monitor. Further, there shall be a superior monitor, who, as head of all the others, shall care for the general order of the section. The superior monitor shall have $5 monthly pay, the monitors $2, and the assistants $1. The monitors and assistants shall be prisoners of the same sections and shall be ruled by articles 209 and 211.

ART. 241. Those on trial shall be regulated by articles 194 to 198 and 200 to 202.

ART. 242. The governor of the district shall dictate, by means of orders which he considers supplementary to this regulation, the means which he thinks proper for the good order and security of the section.

Section for youth.—ART. 243. This section shall be regulated by orders of the previous chapter, together with those contained in the following article:

ART. 244. In this section there shall be a school, in which all youth shall take part who are not at work. The work of the school shall be from 8 to 12 a. m. and 2 to 5 p. m. Youths who are advanced in study shall be employed to aid the guard instructor.

Section of persons under detention.—ART. 245. This section is under the rules stated in articles 226 to 242, together with the following article:

ART. 246. To the detained visits shall be permitted from 8 a. m. to 5 p. m.

Section for political prisoners.—ART. 247. This section is under rules stated in articles 226 to 242, together with the legal requirements.

Section of the isolated.—ART. 248. The prisoners of this section shall be divided into the following groups: (1) Culprits isolated by judicial order; (2) those sentenced to death; (3) habitual delinquents or those of extraordinary perversity to whom applies Part II of article 223 of this regulation, on whom isolation is imposed by Parts VI to VIII of article 95 of the Penal Code; (4) pederasts; (5) those punished for discipline; (6) dangerous prisoners, those who must be isolated for the sake of the order and security of the prison, in the judgment of the warden and with the approval of the governor of the district. In each of the groups shall be placed the individuals who belong there conformably to this regulation.

ART. 249. Prisoners of this section are subject to all the regulations which correspond to them, whether they are detained on trial, condemned to minor or major arrest, to prison, or to simple reclusion, but their condition is modified in respect to communication.

ART. 250. All the detained at disposition of the common judges of the Federal District shall be isolated three days, without necessity of express order, and at the end of this time the isolation will be ended, also without express order. To cause the isolation to end before the three days, as well as to prolong it for a greater time, requires an express order communicated in writing to the warden. When any other isolation is in question different from that of article 299 of the Code of Penal Procedure of the district, and as a general rule, which he must endure with his detention, either to impose it or end it requires an express order of the judge. Isolation of the convicts shall be subject to article 231 of the Code of Penal Procedure, and all things in relation thereto shall be regulated by written orders of the judge.

ART. 251. Those sentenced to death shall be subject to partial isolation—that is, they may not converse with other prisoners—but in the days and hours indicated in this regulation for persons on trial they may receive visits.

ART. 252. The delinquents to whom refers Part III of article 248 shall be entirely or partially isolated, according to the sentence of the court.

ART. 253. Pederasts and prisoners coming under Part VI of article 248 shall be partially isolated, as stated in article 251; but if they are convicts they shall receive visits only on days and hours fixed for that class of prisoners.

ART. 254. Those under disciplinary punishment shall be totally isolated—that is, they may converse only with physicians, ministers of their faith, or officers of the prison. Also the warden, in necessary cases, may permit conversation with other persons.

ART. 255. It shall be arranged that the cell designated for each of the classes enumerated in article 248 shall be near the corresponding section of the proper classes of prisoners.

ART. 256. When the number of prisoners who must be isolated exceeds the number of separate cells in the prison, several prisoners may be kept in the same room; but in no case shall be brought together the prisoners isolated by judicial order, nor the pederasts, and both shall be kept apart in separate cells.

Department of women.—ART. 257. The general department of women shall be subdivided into three sections: For the detained and on trial, the convicted, and the isolated.

ART. 258. Each of these sections shall be regulated according to the disposition of the preceding articles, as in corresponding sections for men, with the exception of articles 169, 170, 199 to 206.

General regulations in the general prison.—ART. 379. On Monday of each week, and also on Thursday, if in the opinion of the warden it is necessary, shall be received the utensils and materials for free labor of prisoners and the other articles sent them by their families. All the articles and materials intended for a prisoner shall be placed in one parcel, which shall be marked with his name. If too large they may be divided into several parcels. Articles prepared by prisoners and sent out shall be delivered on Wednesday and Saturday of each week.

ART. 380. Each day, from 8 to 9 a. m., shall be received and sent the letters for and from prisoners.

ART. 381. The distribution of food shall be made simultaneously in all departments and sections of the prison.

ART. 382. On Sundays and national holidays the schools shall be suspended, and work shall not be obligatory, except with those who furnish food or other things which may not be interrupted. In the morning there may be speeches on moral subjects, without reference to any special confession, given by persons authorized for this purpose by the governor of the district. These addresses shall be given in the places assigned to schools; but prisoners of different sections may not be brought together.

ART. 383. The hour of rising, of taking food, of dining, or suspending labor, and silence shall be announced with three strokes of the bell. The arrival of the physician shall be announced with four strokes of the bell.

ART. 384. The tools and articles necessary for cleansing and service of the prison shall be received weekly by the administrator, by the employees, and in the form determined by the warden (art. 365).

ART. 385. The lash or any other violent physical punishment shall not be employed. The guards, monitors, and assistants may use their clubs or arms only when assaulted, or to prevent the commission of a crime or offense; in other cases, to subdue resistance and secure obedience to orders, they may employ straps, manacles, and other appliances or similar implements, and, without maltreating the prisoner, may make it impossible for him to do mischief or violence.

ART. 386. Outside of the regulation in article 44 no free person shall pass further than the room for conversation nor penetrate to places occupied by prisoners. The governor of the district may give special permission to visit the prison, and such visits may be certified on Thursdays from 2 to 5 p. m., unless the governor indicates expressly in the permit another day or hour. The visitors shall abstain from conversation with the prisoners.

ART. 387. When an offense has been committed in a place and the prisoners refuse to declare who has done it, all those in the same place, or at least all who presumptively may be the actors or know the culprit, shall be punished as doers of the act.

ART. 388. Youths condemned to reclusion in an establishment of penal correction, conformably to article 7, in a house of correction, shall be sent on order for the execution to the warden.

ART. 389. Criminals condemned shall not go out from the prison without express order of the governor of the district, dictated upon request of the judicial authority, before whom the convict appears in a trial when a careful procedure is necessary, when this inquiry can not be properly made in the prison.

ART. 390. The established workshop for the making of cigars for the special consumption of prisoners shall continue, and no cigars made elsewhere shall be consumed in the prison.

ART. 391. The governor of the district shall have power to give all necessary orders for the good order and security of the prison, when no provision has been made in the present regulation or in other orders.

Distribution of time in the general prison (articles 188–203).—ART. 188. Prisoners shall remain day and night in their rooms under the following regulations: (1) They shall rise at 6 in the morning, and from that hour to 8 shall cleanse themselves, set the cell in order and take the first meal; (2) from 8 to 12 they shall labor at the work assigned them; (3) from 12 to 2 p. m. they shall eat dinner; (4) from 2 to 5 p. m. they shall continue at labor; (5) at 5 p. m. they receive the third meal; (6) from this time till 9 at night they cease work; (7) after the hours of recreation they shall be silent; they shall be collected, and not permitted to converse.

ART. 189. From the hour of distributing the third meal to the hour of rising the cells shall be locked, and only for urgent and grave reasons opened.

ART. 190. Convicts who are to attend school may do so at any of the hours assigned to labor, as determined in articles 185 and 186.

ART. 191. The distribution of time fixed in article 188 shall be interrupted when the convicts go to visit, bathe, or other action provided for in this regulation; but when they return to their cells they shall take up the same order.

ART. 192. During the hours of work convicts shall not converse with each other, and at other times only so far as the order is not disturbed and others are not annoyed. From the signal for silence no conversation is permitted. The violation of this rule will incur a punishment of correctional isolation from one to eight days.

ART. 193. From 10 a. m. to 4 p. m. the convicts shall leave their cells by groups of equal number for the courts and corridors for exercise. Each convict shall remain out of his cell a time fixed by the warden, not less than one hour and not exceeding two.

Furniture, tools, and other articles for prisoners.—ART. 194. To each prisoner shall be given for use two dishes, one spoon, and one metal vessel. Those who are able out of their own means to procure other utensils may do so through the administrator, if they are well behaved.

ART. 195. To each prisoner is given a mat to sleep on.

ART. 196. Each week sufficient soap will be given to the prisoner for washing himself and his clothing.

ART. 197. Each prisoner will provide his own clothing according to his ability to pay.

ART. 198. Convicts will be permitted to procure beds according to their means, and also such furniture as is necessary in the opinion of the warden for their work, or that they can use without disturbing the order and security of the prison.

ART. 199. To each prisoner will be given the cap and clothes which he must wear (art. 169).

ART. 200. When a convict violates disciplinary rules, his own furniture and utensils, permitted under articles 194 and 198, will be taken away from him, and will be returned only after proof of good conduct, for a period not less than one week. Restitution may be partial and gradual.

ART. 201. Convicts must place their name and number on their property unless they are not susceptible of taking a mark. The violation of this rule will be punished and the article not marked taken from the prisoner.

ART. 202. Articles belonging to the prison will be marked with a number for identification, and their loss or destruction will be punished as fixed in article 178.

ART. 203. To convicts who keep the rules of good conduct for six consecutive months it will be permitted: (*a*) That they may spend up to one-tenth of their reserved fund for furniture and utensils or other conveniences not forbidden by this regulation; (*b*) that they may enjoy in the days and hours of leisure any suitable and permitted recreation.

DISCIPLINARY MEASURES.

REGULATIONS COMMON IN PENAL ESTABLISHMENTS.

Disciplinary faults and their penalties, and crimes committed within the prisons.—ART. 77. The authorities to whom are committed the inspection of prisons under article 139 and the committee of vigilance of prisons may impose upon the prisoners by way of correctional discipline, up to four months continuously, the following punishments: (1) Deprivation of reading and writing; (2) deprivation of food; (3) increase of the hours of labor; (4) outside labor; (5) absolute isolation with labor; (6) absolute isolation with outside labor; (7) absolute isolation with deprivation of labor. Those over 60 years of age shall not be punished with absolute isolation.

ART. 78. Of the disciplinary faults of the prisoners the authorities referred to in the preceding article shall be informed. * * * Once a resolution is dictated by an authority it shall be accepted for all the others.

ART. 79. The wardens or heads of an establishment may only impose by way of correctional discipline isolation for twenty-four hours, deprivation of reading and writing to eight days, and increase of the hours of labor for the same time. No other employee shall impose any penalty.

ART. 80. Whenever any wrong act is committed in a penal establishment, however light, the warden or head shall notify the public ministry or the proper judge.

ART. 81. In the infliction of disciplinary punishments consideration shall be had for the particular circumstances of each prisoner, and the rules fixed in the following articles shall be observed. In cases not provided for, the authority which imposes the penalty shall use discretion in choice of those enumerated in article 77.

ART. 82. The attempt to hold communication with persons outside the prison to procure means of escape or with any other purpose, contrary to order and security, shall be punished with absolute isolation and work outside for one or two months.

ART. 83. In case of the previous article, if the prisoner has succeeded in securing or giving an article prohibited, the penalty will be doubled.

ART. 84. The violation of article 74 by any prisoner shall be punished by the loss of the articles of trade, for the benefit of the prison fund, and with absolute isolation and work outside for fifteen to thirty days.

ART. 85. Violation of articles 71 and 72 shall be punished with isolation and labor outside for four to eight days.

ART. 86. A prisoner who in the interior of the prison provokes any tumult or takes part in it or gives any ground for offense shall be punished with absolute isolation and labor outside for two to four months.

ART. 87. The prisoner who attempts to escape shall be punished with absolute isolation and labor outside for two to four months.

ART. 88. In case of prisoners who have escaped and been recaptured the procedure is given in article 938 of the Penal Code.

ART. 89. Want of respect or obedience toward employees of the prison or toward officers shall be punished with absolute isolation, with labor outside for eight days to three months.

ART. 90. If the requirements of silence are violated the punishment may be prolonged to eight days.

ART. 91. Always when a prisoner is marked for a new misdemeanor, committed inside the prison, he shall immediately be placed in absolute isolation.

ART. 92. When a prisoner commits a disciplinary act, at a time when he has the privilege of receiving visits, these shall be suspended for one to four months.

ART. 93. A prisoner who writes on the walls of the prison or in any other manner intentionally defiles them shall be punished with absolute isolation, with labor, for eight to fifteen days.

ART. 94. In case of the first repetition the isolation shall be aggravated by diminution of food.

ART. 95. In case of a second or later repetition the absolute isolation will be aggravated further with deprivation of labor; and further labor outside may be imposed.

ART. 96. The deprivation of reading and writing shall be imposed only for light faults not provided for in this regulation, and when the prisoner is a person who cares for reading.

ART. 97. The increase in the hours of labor shall be imposed for light faults not provided for in this regulation.

ART. 98. The diminution of food shall not be imposed except when, in the judgment of the authorities of the institution, the health of the prisoner is not in danger. When this aggravation has been imposed for two or more months it shall not be continued and shall be applied for alternating periods of one month.

ART. 99. Persons isolated by way of continued discipline shall be taken from their room at noon that they may have exercise, all necessary precautions being taken that they do not hold communication with anyone.

Execution of the penalty of death.—ART. 146. When * * * the competent judge designates for the execution of the penalty of death any place not in the interior of the prison, the warden or head of that one in which the convict is shall limit himself to delivery of him to the person designated by the legal authority in the terms of articles 21 to 25, with the obligation of declaring that the convict is dangerous.

ART. 147. When the execution is to be in the prison the following rules shall be observed: (1) The place which is set apart for beheading shall be difficult of access, distant from the entrance of the prison or the departments in constant use, especial care being taken that there is entire security and that the convict be kept entirely from all communications. (2) From the moment that the convict is placed in the death chamber until his body is removed no visitor shall be permitted to enter the prison, not even when provided with a permit, except as provided in the following paragraphs: (3) The convict may be visited in the death chamber by members of his family who have permits from the authority which ordered the execution, but such visits may be made only up to twelve hours before that set for the execution. (4) The convict may be assisted by one or more ministers of his religion if he requests it. (5) The convict shall be conducted from the death chamber to the place of execution with his hands held firmly by manacles or other means, so that his attempts at escape may be prevented, as well as purpose to do other crimes. (6) The warden, the other officers of the prison, and the persons who by reason of their duty are present at the execution or communicate with the convict shall abstain from giving out, before or after the execution, any report relative to it or to the convict, under penalty of a fine equal to the wages of one month.

Art. 148. In addition to the rules established in this chapter shall be punctually observed those sanctioned in articles 248 to 251 of the Penal Code and 710 to 712 of the Code of Penal Procedure, it being considered a grave fault of discipline to permit at the execution the presence of persons other than those provided for in the articles cited.

Classification of convicts in the general prison (Arts. 213–225).—Art. 213. Monthly and in view of the record of the conduct of prisoners, they shall be divided into four graduated classes, according to the observations of the previous month, and those of the best conduct will be placed in the first class and those remaining shall be so distributed in the other classes that the worst shall be in the fourth class. Convicts as they enter the section shall be placed in the fourth class. The ascent from one class to another shall be in regular order; but one may pass from one to another without being stopped in the one immediately preceding. Convicts of evil behavior may be degraded to any one of the lower classes, whatever was the one preceding. Convicts of the first class shall have as a distinction a red ribbon on the right arm, those of the second class a green ribbon, and the third a blue. Those of the fourth class have no distinctive mark.

Art. 214. Prisoners distinguished for good conduct may be rewarded as the warden determines, so far as is compatible with the discipline of the prison.

Visits.—Art. 215. Each prisoner may be visited by his family or by persons interested in him once every twenty days. The visit shall be received in the room for conversation, and shall continue at most for one-half hour, and in presence of a monitor of the prison. The visits shall be verified between 2 and 5 of the afternoon.

Art. 216. To carry out the previous article, the subwarden shall make lists which distribute the convicts into twenty equal groups, in rigorous alphabetical order, and designate the day shown when each convict may be visited.

Art. 217. Prisoners who enter the section shall be counted to receive visits in the series which begin after their entrance.

Art. 218. No convict who is under discipline of entire isolation may receive visits.

Art. 219. Prisoners who for good cause could not come to the conversation room on the proper day may be conceded an extra day by the warden.

Art. 220. Several prisoners should not be visited at the same time; but, if on account of numbers it is impossible to avoid it, several may be in the conversation room at the same time, but not more than four. If there is not yet time, as indicated in article 215, request shall be made to the governor of the district for the necessary consent.

Art. 221. The lists required under article 216 shall be affixed outside the prison three days before the series begins. Likewise they shall be affixed in each one of the sections, at least in the parts where the convicts meet.

Art. 222. On their return to the section, after the visit, they shall be examined by the monitor to see that no prohibited articles are introduced.

Art. 223. The convicts shall be able to communicate with their attorneys and with those who are seeking to procure for them indulgence, commutation of penalty, or conditional liberation, and for this purpose may appeal to the warden one day in the week. The visits shall be certified in the conversation room of attorneys.

General rules.—Art. 224. When an executive sentence is communicated to the prison, the judge, tribunal, or authority which has pronounced it, in view of the continuance of the process, shall fix the treatment for the convict, conformably to the following conditions: (1) Convicts who have committed only an offense on occasion, under the influence of excitement or of passion, shall go directly to the division set apart for such, and shall live in common with the others sentenced to this division; (2) criminals by habit or profession, and those whose crimes reveal great perversity, shall be placed in isolation conformably to articles 131, 132, and 134 of the Penal Code from one to six months, according to their antecedents and the gravity of their offense. On passing to the common division they shall not be placed with any prisoners mentioned in the previous paragraph. In school the necessary sections will be formed, and special hours assigned, and they shall at least be collected in a gallery and not permitted to communicate with prisoners in other sections.

Art. 225. When the judge, tribunal, or authority which has imposed the sentence has not designated the treatment, the warden shall ask for the orders and hold the prisoner in isolation till he receives them.

Organization of Industry.

Labor in the general prison (Arts. 172–182).—Art. 172. When a prisoner passes to the section of the sentenced, he shall be assigned work by the warden under articles 77 and 79 of the Penal Code.

ART. 173. Labor is obligatory for convicts condemned to prison or arrest, it being their duty to procure it when the administrator can not, and to this end the prisoners who do not work for the prison may sell their manufactured wares or occupy themselves at work intrusted to them by authorization of the warden, and always by consent of the administrator.

ART. 174. Violence to compel convicts to work is prohibited. Those who refuse without justification shall be isolated for a period twice that of their refusal. The conduct of prisoners shall be recorded in a book.

ART. 175. To carry out the end of the preceding article, whenever a convict refuses to work he shall be isolated, and every day he shall be asked if he is willing to labor. When he expresses a willingness to comply, he shall be set free and work given him alone for a time equal to his refusal.

ART. 176. The convicts condemned to minor arrest or simple reclusion for political offenses may busy themselves, if they request it, with work of their choice, by authorization of the warden and consent of the administrator. The order of the warden, according to the previous article, shall be communicated to the governor of the district, who may revoke or modify it.

ART. 177. The prisoners shall work in their respective places, unless the nature of the work assigned them requires that they do it in another place.

ART. 178. Utensils and tools which may be used as weapons or as means of escape, if they belong to the prisoner or to the convicts, shall be kept in locked chests in the care of the proper guard, who shall keep a list of such utensils and tools. At the hour of beginning work the guard shall distribute the utensils and tools and collect them at the suspension of labor in the evening, comparing his list. The convict who does not deliver any utensil or piece of tool shall be punished by isolation for eight days to one month, and, besides, pay the value if he is outside the prison.

ART. 179. All convicts condemned for common offenses to major arrest or to prison shall be subject in relation to the products of their labor to articles 85 and 86 of the Penal Code.

ART. 180. In order to carry out articles 85 and 88 of the Penal Code, the warden, ascertaining exactly from information given by the convicts, shall decide who ought to be considered as belonging to their families, and to whom the administration ought to deliver the product of labor assigned to the family.

ART. 181. Work is suspended only on Sunday and on national holidays.

ART. 182. All matters relating to work belongs to the duty of the administrator.

CARE OF HEALTH.

(Compare directions in respect to placing in infirmaries under "Reception of prisoners" and "Rules of conduct," above.)

Food (common regulations).—ART. 61. Food shall be supplied to all prisoners.

ART. 62. Those simply detained or on trial may be permitted to receive food from outside, without its being committed to persons within, if they desire.

ART. 63. To convicts condemned to arrest or prison it shall not be permitted ordinarily to receive other than the prison fare. Only those who behave well may receive food from outside as often as three times a week.

ART. 64. All prisoners, whether detained on trial or convicted, shall be given equal quantity and quality, saving exceptions made in the regulations.

ART. 65. The food of the prisoners shall be: First meal—Indian-corn gruel and bread; second meal—rice, meat, beans or other seed, and bread; third meal—beans and bread. The quantity shall be that fixed by the governor of the district in case of the prison of Mexico, and by the proper magistrates in other prisons. Cakes of maize may be substituted for bread, and meat may be omitted if it is difficult to secure a supply.

ART. 66. The first meal shall be distributed at 7.30 in the morning, the second at 12, and the third at 5.30 of the afternoon.

ART. 67. To no prisoner shall be given more than the regular ration of food, neither for prison service nor for any other reason, except by medical prescription for convalescents.

Cleanliness.—ART. 68. The cleansing of each one of the departments of the penal establishments shall be done by the prisoners found in them, with the exception of rooms for detained or infirm persons, which shall be cleaned by servants of the prison or by other prisoners in the same room. The warden shall make the most equitable division of the labor possible.

ART. 69. No prisoner shall be permitted to go from the place or department to which he belongs to another with the purpose of cleansing this other.

Art. 70. The part of the penal establishment in which there are no prisoners shall not be cleansed by them, but by free persons.

Hospitals for receiving prisoners.—Art. 130. The executive shall decide what hospitals shall be selected for giving medical aid to prisoners.

Art. 131. The admission of prisoners into hospitals shall be subject to the following rules: (1) There shall be received as detained those sent by officials or employees of the police, who as a general rule are consigned directly to the hospital as requiring immediate medical help on account of serious injuries; (2) the transfer of prisoners from a penal establishment to a hospital shall be regulated by article 31.

Art. 132. The sending of prisoners whom the officers or employees of police hand over directly to hospitals shall be accompanied by the proper order or ticket in which is stated the crime or misdemeanor which occasioned the apprehension and the authority for the consignment. When such prisoners have passed into a prison, there shall be observed at their transfer the provisions of article 20.

Art. 133. In all hospitals which receive prisoners the regulations in respect to records given in articles 113–117 shall be observed.

Art. 134. When a prisoner shall die or be released who has not directly entered a hospital without previous reception at a prison, the fact shall be communicated to the warden or head, that the corresponding departure may be noted.

Art. 135. Prisoners during their stay in the hospital shall remain subject to the same regimen as that of the penal establishment, and in general to all the dispositions of this regulation which are applicable to them, with the exception of modifications which, in the judgment of physicians and the director of the hospital, are necessary for treatment and cure. In relation to the prisoners the administrators and managers of the hospitals shall have the same powers and duties which this regulation confers on wardens and heads of penal establishments.

Art. 136. In hospitals in which there are ordinarily more than three prisoners they shall be collected in a hall or special department, and, if possible, a separation shall be made of convicts there detained or on trial.

Art. 137. In the insane hospitals shall be observed the precautions of this chapter so far as compatible with the nature of these establishments.

Art. 138. Administrators and managers of hospitals shall send to the governor of the district the statistical records made by them, and these shall be included in the prison statistics.

Personal cleanliness of convicts.—Art. 204. Convicts are required to be clean in person. Uncleanliness will be punished by isolation four to eight days.

Art. 205. Once a week, at least, the convicts shall be conducted to the bathing room of the department to bathe themselves and wash their clothing. The bathing and washing of clothing shall take at the longest two hours. For this purpose the convicts shall be divided into groups as necessity requires, and to each group will be assigned a day and time.

Art. 206. All convicts shall have their hair cut and be shaved. The barber of the prison shall attend to this once a month at least. To the head and assistants it is permitted to wear beard.

Medical service in the general prison (Arts. 298–323).—Art. 298. The medical service includes (*a*) care of infirm prisoners; (*b*) care of prisoners injured within the prison; (*c*) making inspections and sending of certificates required by law and by this regulation; (*d*) watching over hygienic conditions of the prison and especially prevention of epidemics.

Art. 299. Sick or wounded prisoners shall be helped only by the medical men of the prison, and may secure outside physicians only by written permit from the warden and the director of the medical service.

Art. 300. The director and the physicians shall be graduates and have had at least two years' practice in their profession. The internes should be students at least in the third year of medicine.

Art. 301. The internes who have stood the last examination of the medical course shall cease from their employment * * * three months after having taken the examination, and those who on the day following the closing of the inscription for the pupil courses do not present a card of inscription in the course corresponding and previously approved shall be left out.

Art. 302. There shall be also two adjunct physicians who have the required qualifications of the principals and may be substituted for them in case of temporary deficiencies, in an order of numbering, and shall receive salary only when on duty. When for any reason the place of a principal is vacant, the adjunct shall occupy it in the order of numbering.

Director.—Art. 303. To the director shall be subordinated in everything concerning the medical service, the physicians, internes, the one in charge of medicines, and the sick.

ART. 304. It belongs to the director: (1) To care for the sanitary condition of the prison and give information to the governor of the district, through the warden, of the means necessary to correct evils which he has observed. (2) To see that proper preventive measures are taken, and watch especially over disinfection of halls. (3) To inspect the food given the prisoners, and call attention of the governor of the district, by the warden, to any defects. (4) To see that the service is correct and punctual and that the books are kept. (5) To examine orders for medicine for the dispensary and see that all is of good quality. (6) To see that the instruments, utensils, and medicines do not go to the employees of the prison, but only to assist the prisoners. (7) To keep an inventory in alphabetical order of names and makers of all instruments and utensils of the service. A duplicate of these inventories shall be kept by the director and the originals shall remain in the prison. (8) To examine orders given to subalterns. (9) To care for the medical service in cases of accidental deficiency of the medical men or nurses, when this can not be met otherwise. (10) To dictate all orders necessary for a good service. (11) To give an account to the governor of the district, by the warden, of all new events which affect the order of the service. (12) To send to the governor of the district, by the warden, on the 15th of January statistical information of the service of the previous year. (13) Other matters imposed by this regulation or other legal rules.

Physicians.—ART. 305. It belongs to the physicians: (1) To make calls from 8 to 10 a. m. each day. (2) To keep the watches in exact turns. The service of the watches imposes the duty, in addition to daily visits, of assisting at the prison from 4 to 5 p. m., to assist any hour of day or night when required by the warden with cases that can not be cared for by internes or nurses, and in general to perform all duties which belong to the service. The order of watches may be changed by the physicians, with written consent of the director. (3) Dictates to the internes the medical prescriptions by which they assist in the arrangement and the prescription list. (4) Authorizes the certificate of decease, wounds, and whatever else is necessary. (5) To see to it that the internes under his responsibility keep with exactitude and clearness the order and prescription list and the book of certificates of wounds, and to approve the prescription list with his signature on the day of his service. (6) To give on occasion the information requested by judges and tribunals, the governor of the district and legal medical men, and the medico-legal council. (7) To see that the internes, the apothecary, and the nurses fulfill their duties. (8) To assist in the councils of his colleagues and aid them in operations. (9) To repeat to the director in writing any faults in the service which he has noticed, and dictate a remedy which he believes proper. (10) To be present when appointed at capital punishments and attest them. (11) To sign the daily book of service and of the watches. (12) All other duties required by this regulation and other legal rules.

ART. 306. In preparing certificates the physicians shall provide with the greatest prudence, fixing the details of each case with exactness, expressing the reason for their judgment with the clearness necessary to make them the basis of further medico-legal investigations. Physicians shall abstain from attesting with their signatures any document made by internes, unless they have themselves made the investigation necessary for an opinion, and then they are personally responsible for their official acts.

ART. 307. The physician of a watch is personally responsible for anything which occurs while he is on duty, and he may not intrust his tasks to any other.

Internes.—ART. 308. It is the duty of the internes: (1) To keep the watches in exact turn, which they may not change without consent of the director, who shall attest in writing. The watches shall be twenty-four hours, and shall be ended at 8 a. m., and one may not leave his post until the person who is to succeed him has assumed his place. (2) To certify in the proper book on the day of his watch that he has been constantly present. (3) To do for the sick what technical knowledge requires, and not intrust it to the nurses. (4) To write out clearly the orders, prescriptions, and other data which must be made. These documents should be distinctly written, without corrections, * * * avoiding blots. * * * (5) To accompany the physician on his rounds of visits and execute his orders. (6) To write the classified certificates of rounds, of decease, and passes to the hospital dictated by the physicians. (7) To place in the prescription list the forms ordered by the physicians. (8) To see that the nurses give the medicines to the prisoners who are cared for in the infirmaries, and if they notice any fault, to advise the physician who is on the watch. (9) To arrange when he comes on the watch a case of surgical instruments and appliances, ready for use, a thermometer, a syringe, and a pair of forceps.

ART. 309. The interne of the watch is responsible for all that occurs in the medical service, in the absence of the director and the physician of the watch.

ART. 310. The interne of the watch shall not go from the prison for any reason, shall assist in all cases and have immediate charge of a wounded person, in the absence of the physician of the watch.

ART. 311. The interne shall advise in writing when it is necessary to summon the physician of the watch, if the case is grave and above his skill, and the facts shall be precisely stated.

Duties of the apothecary.—ART. 312. The duties of the apothecary are: (1) To attend to the medicines from 8 a. m. to 6 p. m. each day; (2) to make an inventory in alphabetical order of all utensils and medicines in the store, and another book in which shall be daily noted the medicines supplied; (3) to care for the neatness and order of all that is in the shop; (4) to see that no medicine is wanting and to give due notice of needs; (5) to make and sign in a proper book the wanted medicines and present it to the director for approval; (6) to make a monthly list of the medicines received and used, and give to the warden, to be sent to the governor of the district, a copy approved by the director; (7) to place in the record of all medicines sent out the name of the prisoner and the use; (8) to give out no medicine which is not prescribed by the physicians or by the interne of the watch; (9) to see that the medicine and instruments remain in the shop. Medicines of value or dangerous shall be kept under a key and he alone may remove it when needed. In the night he gives the key to the interne who is responsible for giving medicines during the night.

ART. 313. The apothecary or whoever is responsible should replace anything lost or broken by negligence or fault. These responsibilities shall be fixed by the director.

ART. 314. No one outside the medical service shall handle the utensils or the medicines.

ART. 315. The one in charge may have an assistant named by the warden on approval of the director. One of the persons on trial who maintains good conduct may be named assistant.

Nurses.—ART. 316. In each infirmary there shall be a head nurse named by the warden on the suggestion of the director, who shall be chosen from among the prisoners of good conduct.

ART. 317. The head nurse must be able to read and write and have aptitude for the discharge of his duty. His tasks are: (1) To accompany the physician on watch in his round of visits and take down the prescriptions for each prisoner; (2) to fulfill all the orders of the physician on the watch and according to the prescriptions, and in case of doubt to consult the interne of the watch; (3) personally to give the medicines to the nurses who assist in the infirmary; (4) to see that the assistants give the medicines at the right time; (5) to treat the sick with kindness and meet their wishes as far as possible; (6) to see that the assistants treat the sick in the same way; (7) when the recipes are filled and signed to carry them, together with the vessels, to the apothecary; (8) to distribute personally the medicines, first to the sick in the infirmary, and then in order to each one who comes to him for counsel; (9) to watch constantly that the beds, clothes, pans, instruments, and the infirmary in general are in good order; (10) to execute the orders of the physician or interne relative to the service; to give an account of new events which occur in his department; (11) not to permit prisoners to enter the infirmary to talk with and disturb the sick, not even to aid in the service, since no one should be in the infirmary except those who have duties there; (12) to rise at any time in the night when their services are needed; (13) to advise immediately the interne of the watch in respect to any event which occurs relating to the medical service; (14) to take turns in the night with the nurses in order to care for the sick; (15) to see that the care takers clean the infirmaries as many times as is necessary to keep them in a perfect state of cleanliness; (16) to see that the care takers fulfill their duties, do not destroy the utensils and furniture, giving information to the director of any offense which they commit, that he may take the necessary steps; (17) to keep an inventory of the utensils and furniture of his department, and to give each month a statement of their condition; (18) not to lend or give objects which are in his care without a written order of the physician or the interne of the watch; (19) to replace the utensils or furniture which are lost or injured by his fault, according to the judgment of the director.

ART. 318. There shall be at the service of each infirmary two nurses or care takers, designated by the warden on the suggestion of the director, who shall be under the immediate orders of the head nurse, and be selected from among the prisoners of good conduct. The duties of the care takers are: (1) To cleanse the utensils of medical treatment and the infirmaries as many times as necessary; (2) to treat the sick with kindness; he who transgresses this rule shall be deprived of his charge and be punished by way of discipline; (3) to aid the sick in what is necessary when they can not get on alone; (4) to be on watch at night in exact turns.

Infirmaries.—ART. 319. That a sick person may enter an infirmary requires an order from the physician or interne in writing, to be inspected and approved. The isolated prisoners, when sick, are cared for in their separate cells.

ART. 320. No sick person shall remain in the infirmary a longer time than is necessary to recover, in the judgment of the physician of the watch.

ART. 321. All the sick shall remain in bed, and may rise in the day only when the physician orders.

ART. 322. No patient shall go to visit or to the tribunal when his infirmity prevents, in the opinion of the physician.

ART. 323. It is forbidden the sick to take into the infirmary articles, furniture, tools, or work which cause trouble and disturbance.

EDUCATION.

General rules.—ART. 155. In no penal establishment shall there be permitted religious instructions or rites of any form. The inmates may receive in these establishments in extreme necessity the spiritual help of the religion which they profess. They may also receive moral instruction without reference to any cult, and be visited by the priests of their religion, so far as compatible with the order of the establishment, previous permission from the administrative authority having been obtained. Such permits shall not be conceded for a fixed time, and may be recalled by the authority which issues them. The visits of the priests shall be made in the place designated for others, and several convicts shall not be visited at the same time by a priest. Moral conversations may be held simultaneously by several prisoners, but there shall be no communication between them. For the purpose of this article that shall be considered the religion of the prisoner which he professed at his entrance.

ART. 156. This regulation of this title shall be observed in all the penal establishments of the district. In the general prison, in the penitentiary of Mexico, and in the house of correction shall be observed also the special directions contained in Title II of this regulation for the former, and those for the latter contained in their respective regulations.

ART. 157. When a rule is not given in this regulation nor in those of the penitentiary and the house of correction, the authorities on which the penal establishments depend may regulate the service, as also the distribution of labor among the officers.

Instruction in the general prison.—ART. 183. The instructions given to prisoners shall include reading, writing, and the first rules of arithmetic.

ART. 184. Convicts who are ignorant of the matters enumerated in the previous article on entering the section of the condemned, shall be aided in school.

ART. 185. The convicts who assist in the school shall serve in it all working days one or two hours, as the warden determines. This attendance is obligatory, yet the warden may exempt any who are unable to attend for any reason or who can derive no advantage from it.

ART. 186. The work of the school shall not continue beyond 12 o'clock unless more time is necessary for the number of them to be instructed; in no case after 5 o'clock.

ART. 187. As soon as the convicts have acquired the knowledge designated in article 183 they shall cease to attend school.

Care of discharged prisoners.—The laws and regulations provide for both preparatory and absolute release of convicts in the penitentiary of Mexico. Those who have been released absolutely may receive the fund which they have earned; while this fund is managed by a patronage society or by the director during conditional release on parole. (Reglamento de la Penitenciaria de México.)

FRANCE.

ORGANIZATION OF THE ADMINISTRATION; SCOPE OF THE SYSTEM AND ITS DIVISIONS.

[Report presented by the prison administration of France. Actes du Congrès pénitentiaire international de Bruxelles, août 1900. Vol. IV, p. 415 ff.]

In France the penitentiary establishments are divided into three distinct classes: The departmental prisons, the central houses, and the colonies for young offenders. All are under the general direction of a prison administration and are subject to the authority of the minister of the interior, in virtue of the law 10 vendémiaire an IV.

The departmental prisons are designed for those arrested on suspicion (prévenus), those on trial (accusés), and for individuals sentenced for a short term.[a] By way of exception those sentenced to a long term may be authorized, on their own request, to serve it in a cell in these establishments. There is a departmental prison in every district (arrondissement).

To the central houses are sent those condemned to a long sentence, yet exception is made for men condemned to hard labor. These are transported to the territory of a French colony, after having been brought together in a special establishment of the metropolis, the Dépôt de St. Martin-de-Ré, where they await the time for embarking.

Among the establishments for long sentences may be mentioned the two penitentiaries situated in Corsica, at Chiavari, and at Castelluccio, and especially reserved for Arab convicts. These prisoners carry on agricultural labor.

The colonies set apart for young offenders receive minors convicted before the age of 16 years and those who, being considered as having acted without discretion, are acquitted but sent for correction. These establishments are divided into public colonies, that is to say, directed and supervised by officers and agents of the State, and private colonies, founded and conducted by individuals or free associations, but placed under the control of the State.

A corps of officers arranged by ranks, named by the minister, is charged with the administration and service of supervision of the various establishments of the State.

The composition of the personnel varies according to the importance of the establishments.

At the head of the large establishments, that is to say, in the central houses, and in the departmental houses with a large population, is placed a director, who has under his orders a controller, a steward, a head accountant, teachers, bookkeepers, clerks of records, and a certain number of guards.

The controller assists the director in the general management, and is especially charged with the industrial operations, discipline, receipt of food, etc.

The steward, found only in institutions with state account (régie) is occupied with all the details of economic service, such as storing and care of supplies, distribution of food and other articles of daily consumption; in a word, he looks after everything which relates to food, clothing, heating, and lighting, to raw materials and manufactured products. The steward has as assistant for records the bookkeeper.

The head accountant (le greffier-comptable) is responsible for the roster, the judicial records, and the documents of the convicts. He manages the cash accounts of the state industry (régie) and those of the funds of prisoners. He attends to payments. His conduct of affairs, as well as that of the steward, is inspected by the court of accounts. Both give security. The head accountant has as an employee the clerk of records.

The duty of the teacher is to give lectures and conduct discussions for the convicts, and to teach illiterates under 40 years to read and write.

The directors, with some exceptions, administer for several departments. At Paris and in the department of the Seine each director has under his authority only one establishment. The same is true of the directors of the penitentiary colonies.

In these special houses the idea of repression disappears and gives place to the more humane principle of education; and therefore the number of teachers in the establishments for young offenders has been considerably increased, and the positions of controllers and head accountants in these houses are occupied by teachers, who, outside their office work, give to pupils primary instruction in conformity with official programmes.

There are no special schools for recruiting the administrative corps, but admission to lower positions takes place only after an examination relating both to general instruction, the elements of penal law, and public accounts.

To all penitentiary establishments are attached physicians and religious ministers. Their services call for specific payments, and not for salaries with right to retiring pensions. On the same conditions architects are appointed to care for the building operations of the State.

So far as relates to the corps of supervision, it is recruited from among the veteran soldiers,[b] and the number of applications is so large that a severe choice among can didates is possible. The preference is given in the penitentiary colonies more particularly to candidates who can teach trades. To avoid all confusion with the agents of central houses or of prisoners with short terms, the guards of the colonies are clothed in a special uniform.

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[a] Sentences to imprisonment for a year and a day and less in the cellular departmental prisons (Art. 2 of law of June 5, 1875).

[b] Americans should remember that France has an army in which all young men serve, if capable.

Elementary schools exist in all the large establishments for guards who aspire to promotion in rank. The organization of these schools has been completed by the creation at Paris of a superior school, to which are called the better pupils of the elementary schools. The instructors of this superior school are chosen among the general inspectors, the chiefs of the bureau of the minister of the interior, the directors of penitentiaries and certain of their assistants. A physician gives instruction in hygiene. The pupils receive detailed instruction in anthropometry for the service of judicial identification. It is among the best students of this school that recruits are found for positions as guards, clerks of accounts, and guards-in-chief.

The supervision of women is confided to persons of their sex, chosen by preference from among the widows and daughters of officers who have died in the service, or still more from members of orders (congréganistes), who are placed, for purposes of the service, entirely under the orders of the personal administration of the establishment. Their supervision replaces that of the guards; is exercised under the same conditions, in conformity with the general regulations.

It is scarcely necessary to say how hard, painful, and sometimes dangerous is the service in penal establishments.

The Government has also offered to persons in the active service, to those who are, day and night, in direct contact with the prisoners, the prison medal, which is given to the most meritorious after a certain number of years of service. The person so distinguished receives an extra allowance of 60 francs per year.

The control of the personnel and of different prison services is confided to a corps of general inspection of administrative service.

Seven general inspectors annually visit the penitentiary establishments, and send their reports and proposals directly to the minister.

They prepare for each establishment a special report. These officials may also be charged with extraordinary missions; they may even be sent abroad on special duties. In addition to their circuits they unite in council with the minister of the interior, and give their views on questions which are submitted to them by the central administration. The houses of women and girls are visited every year by a woman inspector-general, and by two ladies added to the general inspection.

An architect, invested with the title of inspector-general, fulfills duties in relation to building.

HOUSES OF DETENTION (D'ARRÊT), OF JUSTICE, AND OF CORRECTION.

Penitentiary system.—While the establishments for long terms are installed in buildings and on lands belonging to the State, the permanent property employed by prisons for short sentences are departmental property. It was in the year 1811 that this assignment of ownership was made, and the intention was to lay upon the department the charges which it implied.

The departmental prisons are classified as follows:

The houses of detention where are confined those arrested who are placed under a writ of detention or held under a writ valid for twenty-four hours.

The houses of justice where are confined persons accused who are to be brought before the court of assizes.

The houses of correction where the convicts are subject to sentences of one year or less (houses of correction, in common); of a year and a day and under (houses of correction, cellular).

The houses of correction on the cellular plan comprise, in addition, those condemned to an imprisonment above a year and a day who have obtained from the minister of the interior permission to serve their terms in cells.

The departmental prisons contain furthermore in special quarters: Those confined for debts, in affairs of a criminal, correctional, or police nature (law of July 22, 1867, on physical restraint); certain civil and military transients. The French territory being divided into 360 districts (arrondissements), there is in each district a house of detention and of correction, and further, a house of justice where the district has a court of assizes.

The houses of detention, of justice, and of correction of the same district usually occupy distinct quarters in the same buildings; yet, in some large cities, the various houses are installed in separate buildings.

The reform of prisons for short sentences proposed by a parliamentary enquête conducted in the years 1871–1874, in relation to the prison system of France, was made effective by the law of June 5, 1875.

The purpose of this law has been to substitute in the departmental prisons the system of separate imprisonment for the system of congregate imprisonment, in which investigation had revealed numerous inconveniences. Yet this change was dependent on the transformation of departmental prisons. The law of June 5, 1875, has provided an allowance by the State of subsidies designed to aid the departments in this work of transformation. There exist in France at this time 39 cellular prisons, of which some are of great importance, as the Santé, at Paris, and the Fresnes-les-Rungis (Seine), which contain altogether 3,000 cells. The entire number of cells for prisoners is about 6,500. This same law has provided for the formation of a superior council of prisons, whose important powers have been finally fixed by the decree of January 26, 1882. This council, composed of the most competent high officials and members of Parliament, is required to follow up the application of the law relating to the system of separate confinement. It also gives its opinion on questions submitted to it by the minister of the interior.

The particular regulations applicable to the cellular system were approved by the superior council of prisons in 1881. This regulation stipulates that all communication between prisoners is prohibited during the entire period of their imprisonment, to whatever class they belong. Individual separation is secured by waiting cells at arrival, the cells of labor which are also designed for rest, the cellular yards, and the use of a mask when the men go about the interior of the prison.

Another law, that of February 4, 1893, whose purpose it is to promote the improvement of prisons for short sentences, gives to the Government the right to condemn the house which does not satisfy the indispensable requirements of hygiene, morality, good order, and security. It also permits the State to release the departments from a part of the costs if they amicably cede to it their proprietorship in their prisons.

The departmental prisons are grouped in districts each embracing two or more departments and administered by a director under the authority of the prefects of the departments concerned. Rounds of visits give the director the opportunity to watch over each prison, which is provided with a guard in chief and a number of agents of surveillance, according to the number of inmates. He renders an account of his visits to the prefect respecting the prisons of his department, as well as of every matter of daily importance. The prefect exercises power which belongs to him in all the prisons of his department. He authorizes and orders the expenses of maintaining the convicts, controls the accounts of expenses ordered by the director of the district, estimates the rates of supplementary provisions and clothing, the rates of hand work, hands down the authority for introducing industries, for entering prisons and visiting prisoners, approves the fines for breakage and injury, etc.

The subprefect shares in the control and the administration of the prison, which is situated in the chief place of his district, particularly in all which concerns the service of the guard-in-chief, the permission to officers to go out of the institution, permits to visit prisoners, provisional authority for industrial operations, rates for hand work, the transfer of sick convicts to the hospital, the disposition of funds deposited by the guards-in-chief at the office of finances, the verification of accounts and records.

Rôle of judicial authority.—Although the service of prisons belongs to the powers of the minister of the interior, the judicial authority intervenes in the control and supervision of houses of detention, justice, and correction.

If the prisoners whose condemnation has been determined are merely under control of agents of prison administration, this is not true of suspects and prisoners on trial, who are not only in the hands of justice but remain subject to judicial authority during the preventive detention. Thus the judge of instructions signs and attests the registered list of the house of detention, requires interdiction of communication, inspects permits to visit the prisoners, receives, on request, the letters written or received by them, approves the transfer to the hospital of sick prisoners.

The attorney (procureur) of the Republic, as an *ex-officio* member of the commission of supervision of the prison of the city where he resides, can exert an influence on the conduct of the service. He gives his advice on propositions which emanate from the administration in all which relates to pardons, conditional liberation, provisional liberation of young convicts, and the maintenance in the departmental prisons of those serving more than one year.

It is superfluous to suggest that at the court the procureur-général has the same powers as the procureur of the Republic in the judicial district (arrondissement).

The president of the assizes, on his part, signs and attests the register of the house of justice, and at each session visits the persons there detained.

The president of the tribunal, as the procureur of the Republic, takes part in the commission of supervision of the prison of his jurisdiction. In the absence of the president of the assizes, he signs and attests the registered list of the house of justice. He delivers also the order for incarceration of minors by way of paternal correction.

Commissions of supervision.—The commissions of supervision to which, according to circumstances, belong the first president and the procureur-général, the president of the tribunal and the procureur of the Republic, are commissioners of control of services and not administrative commissioners. They give their opinions in respect to improvements to be introduced into the prisons. Outside of the representatives of the tribunals, the commissions of supervision, named by the prefects, generally include the mayor of the city and the curé of the parish, members of the general council, departmental inspectors of assisted children, as well as persons well known in connection with charitable labors. At their meetings the prefects or subprefects preside.

Sentences.—The custom of pronouncing repeated short sentences exists in France in face of the counsels of competent men, who place short sentences among the causes of recidivism. At the same time the law of March 26, 1891, permitted the increase of penalties and defined a special form of recidivism by the side of general recidivism.

This same law authorizes the suspension of the sentence when the culprit has not served a sentence previously in prison for crime, and for common law misdemeanor (conditional sentences). These sentences may, when certain conditions meet, accumulate up to the maximum of penalty permitted by law. Indeterminate sentences have not been yet introduced into France.

Altogether, French penal legislation has, since about twenty-five years, shown some satisfactory results in respect to diminution of criminality.

The law of June 5, 1875, made cellular confinement obligatory for those arrested on suspicion (prévenus), those on trial (accusés), and those condemned to terms of one year and one day or less. The law of May 27, 1885, requires the relegation of hardened recidivists. The law of August 14, 1885, institutes conditional liberation, assisting restoration, and giving a new impetus to patronage. The law of March 26, 1891, introduced the diminution of penalties for first offenders (suspension of sentence), and permitted the increase of penalties for recidivists (special recidivism). The law of November 15, 1892, allowed the term of preventive incarceration to count on the duration of sentence.

Other and more recent laws tend in the same direction. The law of December 8, 1897, on preventive detention and "instruction contradiction." The law of April 19, 1898, on violence, assaults, acts of cruelty, and attempts upon children, and the possibility of confiding the guardianship of children, in case of misdemeanors committed against them or by them, to charitable persons or institutions. The law of August 9, 1899, on judicial decision and rehabilitation in rights, in certain cases specified in the law.

One observes a sensible diminution if one compares the totals of the years 1874 and 1897, taken as terms of comparison for this period of twenty-five years. The total populations of the various prison establishments of France were:

Institutions.	Prisoners—	
	In 1874.	In 1897.
Central houses	22,158	9,442
Houses of arrest, justice, and correction	24,186	18,426
Young offenders	9,553	5,614
	55,897	33,482

This shows a decrease of at least 22,415 prisoners. But it should be remarked that this considerable diminution may be attributed in part to the application of the law relating to the relegation of recidivists, which, since 1885, has removed from the prisons of the metropolis a very large number of habitual criminals.

Also, the diminution observed in the average number of prisoners does not correspond to a lowering in equal ratio in the number of crimes and misdemeanors; for, outside the well-known tendency of the various courts to show themselves less severe in regard to young delinquents, we must remember that the allowance of the time of detention on trial in the sentence period has diminished the days of the latter very greatly. At the same time the misdemeanants who have benefited by the suspension of sentences have raised the number of misdemeanors without increasing the population of prisons. Nevertheless, if the diminution of crimes and misdemeanors has been less rapid than that of the prison population, it is still worthy of attention.

From the number of prosecutions (206,326) in 1894, there was a gradual descent to 188,761 in 1897 and to 186,000 in 1898. The difference has been more than 20,000 cases in four years (about 10 per cent). This numerical decrease relates not only to unimportant offenses, such as infractions of the fishing ordinances (9,237 in the last year, instead of 11,640 in the preceding year), whose statistical fluctuations manifest the greater or less rigor of repressive measures. It relates also to more serious misdemeanors; not to theft, it is true, whose figure has risen slightly (32,806, instead of 32,695); nor to abuse of trust, whose figure has scarcely varied (4,333, in place of 4,308), but to swindling (2,993, in place of 3,100) and to prosecutions for vagabondage (13,979, instead of 15,009). Blows and wounds, which increased up to 1896, present also a slight diminution in 1897 (26,432, instead of 26,482). (Criminal Statistics, 1897).

Works, books, pamphlets, and memoirs of importance published during recent years on penal and penitentiary questions.—In addition to annual statistics, the penitentiary administration of the metropolis since the last Congress has caused to be printed: (1) The Laws, Decrees, Regulations, and Circulars Relating to the Service of Prisons; (2) An analytic Register of Penitentiary Documents. The department of the Seine has published: (1) An Album of Plans of the new Cellular Prison at Fresnes; (2) a complete description of this establishment. The colonial penitentiary administration has continued to print its annual accounts of transportation and relegation to Guiana and New Caledonia.

CENTRAL HOUSES OF HARD LABOR (DE FORCE) AND OF CORRECTION.

Prison system.—The central houses, established by a decree of June 16, 1808, are, with all other prison establishments, placed under the authority of the minister of the interior. They are divided into central houses of hard labor and central houses of correction. In the central houses of hard labor men are subjected to reclusion, and women to reclusion and hard labor. (Arts. 16 and 21 of Penal Code.) In the houses of correction the penalty of imprisonment for one year to ten years is executed. (Art. 40 of Penal Code.) There are in France 10 central houses for men and 3 central houses for women. The houses reserved for men are at Poissy, Melun, Beaulieu, Gaillon, Fontevrault, Riom, Nimes, Thouars, Loos, and Clairvaux. Women are sent to Clairmont, Rennes, and Montpellier. The penalty of "detention," pronounced by the military tribunals, is executed in a special quarter of the central house of Clairvaux. The system of the central houses is that of congregate life. Some establishments have cells for night.

On December 31, 1897, the population of the central houses was divided as follows:

Men	8,434
Women	1,008
Total	9,442

Establishments for young offenders.—At various times in all countries legislation has established a difference between the penal responsibility of the adult and of the child. The principles of Roman law have influenced modern lawmakers. The capacity for discernment has been thus defined: "The legal power to discriminate which an individual is thought to possess in relation to the criminality of the action which he has committed." The Roman law fixed 10½ years as the limit of age under which a child was declared incapable of having a will. At 14 years minors were considered to be capable of discernment and could be condemned even to capital punishment. In the reign of St. Louis children were condemned to the lash and to a fine when over 14 years. The whip was added to imprisonment (ordinance of 1268) and also, according to the nature and gravity of the crime, "exposition," which consisted in hanging under the arms.

In 1545, under Francis I, corporal chastisements were suppressed. Mendicant and vagabond children were shut up in asylums or were instructed and made moral. When they came out they were placed with farmers and artisans. One finds at this period the system of placing children with individuals, a system which in our own day yields such good results.

In 1568 some new and rigorous measures were taken with minor delinquents. Boys and girls who gave themselves to mendicancy were shut up, without a time limit, in the establishments of the Bicêtre and of the Salpétrière. The whip was the official means of correction. The general hospital served as a place of punishment for the children whose parents, guardians, or the curé of the parish declared to be disrespectful, lazy, or inclined to debauch.

They were the first young prisoners under paternal correction. But these means having been recognized as insufficient in respect to young persons in a family which behaved ill, they began to export them to the island of Désirade (Antilles).

The constituent assembly established a more humane legislation, more conformed to moral progress. The decree of September 25 and October 6, 1791, replaced corporal chastisements with special education. It opened the question of discernment, and made the minors prosecuted for crimes and misdemeanors liable to a correctional control.

The Penal Code of 1810 has retained these liberal provisions in its articles 66, 67, and 69, abolished public "exposition," which the decree of September 25 and October 6, 1791, had retained for minors whose age saved them from capital punishment.

The decree of July 19 and 22, 1791, had specified that young people under 21 years of age, incarcerated for paternal correction, in conformity with articles 15, 16, and 17 of the decree of August 16, 1790, were to be shut up in a house of correction.

Articles 375 and following of the present Civil Code regulated the exercise of the right of paternal correction.

In a report addressed to the national convention by one of its members the prisons were thus described: "Unclean sewers, where women and children, young and old men, of all ages, all conditions, innocence and criminality, were mingled in monstrous confusion."

The convention, wishing to put an end to this situation, decreed (Frimaire 26, an III) that all prisoners of 16 years and above should be placed under the control of the marine commission, to be employed in the manner which it judged most useful to the Republic. This decree was very imperfectly executed.

Under the directory the condition of prisons was not improved; but the imperial government realized the purpose of the law.

The French law assumes as a principle that before the age of 16 years the delinquent is not responsible for his acts. The judge is to inquire whether he has acted with or without discernment.

We repeat here the texts of the Penal Code which apply to this special class of delinquents:

Art. 66. When the accused is under 16 years of age, if it is decided that he has acted without discernment he shall be acquitted; but he shall be, according to circumstances, sent back to his parents, or conducted to a house of correction to be brought up there and detained such a number of years as the judgment shall determine, and which shall not exceed the time when he completes his twentieth year.

Art. 67. If it is decided that he has acted with discernment the penalties shall be pronounced as follows: If he has incurred the death penalty, hard labor in perpetuity, deportation, he shall be condemned to a penalty of ten to twenty years' imprisonment in a house of correction. If he has incurred the penalty of hard labor for a time of reclusion, he will be condemned to be incarcerated in a house of correction for a period equal to at least a third and at most one-half of that for which he might have been condemned to one of these penalties. In any case he may be placed, by order or judgment, under the surveillance of police at least five years and ten years at most. [The penalty of surveillance by police was suppressed by law of May 27, 1885. It has been replaced by prohibition of the condemned to appear in places indicated by the Government at time of his liberation.] If he has incurred the penalty of civic degradation or of banishment he will be condemned to be shut up, one to five years, in a house of correction.

Art. 68. An individual aged less than 16 years, who has no accomplices above this age, and who shall be arrested for crimes other than those which the law punishes with death, or with hard labor for life, or with deportation or detention, shall be judged by the correctional tribunals, which shall be governed by the articles above.

Art. 69. In all cases where the minor is under 16 years of age, has committed only a simple misdemeanor, the penalty pronounced against him shall not be fixed at more than one-half that of a prisoner above 16 years. In addition to minors who have committed real violations of the penal law, misdemeanors or crimes, those who have given to their fathers, mothers, or guardians grave reason for dissatisfaction may be shut up within penitentiary establishments. By minors, as here understood, are meant not only individuals aged less than 16 years, but also those who have not attained the age of 21 years, the time of civil majority. The right of paternal correction is exercised in a different way in regard to each.

Civil Code, Title IX; of paternal power.—Art. 375. The father who has grave reasons for dissatisfaction with the conduct of his child shall have the following means of correction:

Art. 376. If the child is under 16 years the father may have him incarcerated for not more than one month, and to this end the president of the district shall, on his request, make out an order for arrest.

Art. 377. After the 16th year, up to majority or emancipation, the father may demand the incarceration of his son during six months at most; he shall make his request to the president of the tribunal, who, after having conferred with the procurer of the Republic, shall make out the order for arrest, or refuse it; and, in the former case, may shorten the time of detention requested by the father.

ART. 378. In neither case shall there be any record or judicial formality, except the order for arrest, in which the reasons for arrest are not given. The father alone shall agree to pay all expenses and furnish suitable food.

ART. 379. The father always has power to shorten the time of detention requested by him. If, after release, the child falls into waywardness again, the detention may be renewed in the manner prescribed in preceding articles.

ART. 380. If the father remarries he shall be required, in order to arrest a child of the former marriage, even when under 16 years of age, to conform to article 377.

ART. 381. The surviving mother, not remarried, may not cause a child to be arrested except with the consent of the nearest relatives on the father's side, and by way of requisition, according to article 377.

ART. 382. When a child has personal property or an estate he may not be arrested, even under 16 years of age, except by way of requisition in the form prescribed by article 377. The arrested child may address an appeal to the procureur-general of the court of appeals. This court shall render an account by the procureur-general of the Republic to the tribunal of the first instance, and make a report to the president of the court of appeal which, after having given notice to the father, and after having collected all information, shall be able to revoke or modify the order delivered by the president of the tribunal of first instance.

ART. 383. Articles 376, 377, 378, and 379 shall be common to the father and mother of illegitimate children legally recognized.

ART. 468. The guardian who has grave reasons for dissatisfaction with the conduct of a minor may carry his complaints to a family council, and, if he is authorized by this council, may demand the arrest of a minor, in conformity with the statute, by virtue of the paternal power.

In 1808 the organization of central houses was ordered in a way to separate the sexes and classes. In 1817 special quarters were set apart for young offenders in the central houses, but the buildings of the departmental houses being small and not permitting this separation, the children remained mingled with adults.

It was at this time that the Royal Society of Prisons was founded, which organized moral and religious instruction for young prisoners and also professional instruction. It led to the formation of societies of charity, charged with securing employment for young prisoners at their release. This was the beginning of societies of "patronage."

In 1830 the Government began the study of a project for constructing, at Melun, a central establishment for correctional education; but the council of state decided that this establishment was of too large proportions, and that houses of smaller population were more favorable to the moral betterment of children.

At this time the question of mixed houses, industrial and agricultural, occupied the public mind. It was thought that field work, life in open air, was more favorable to the moral and physical regeneration of children enfeebled by misery and precocious vice.

The first private establishment for young prisoners was founded in 1827 at Paris by the Abbé Auzoux. It did not continue many years. Recidivism of young people from this house, it seems, had not been above 10 per cent.

In 1832 took place at Paris the opening of a special quarter at Madelonnettes and the special establishment of the Petite-Roquette. This same year a ministerial circular recommended, for young prisoners, placing in apprenticeship with individuals, returning thus, after three centuries, to the humanitarian thought of the ordinance of 1545. In this circular the minister expressed himself in this fashion: "Before establishing for a general rule that which has been practiced hitherto only in exceptional cases, I have examined, in concert with the keeper of the seals, the question of legality. We have recognized that the form of detention (espèce de détention), authorized by article 66 of the Penal Code, and ordered by judgments whose first provisions pronounce the acquittal of arrested persons, is not a penalty and ought to be considered a police measure to correct education (orders of cassation, April 17, 1824), or finally as a supplement to domestic correction (order of cassation, August 16, 1832). It follows that the Government may cause it to end or to mitigate its effects without referring to royal clemency whose intervention is necessary only in case of punishments in the strict sense. Nothing therefore prevents the supervision and education of children being regulated by administrative measures."

In 1839 three establishments were simultaneously created: (1) The house of correctional education at Bordeaux, organized by the Abbé Dupuech; (2) the house of correctional education, created by the Abbé Fissiaux; (3) the colony of Mettray, founded by Messrs. Demetz and Bretignières, of Courteilles, who were inspired by similar establishments which they had visited in North America. These institutions brought the question of young offenders to a new phase.

Numerous private establishments were organized in France. In 1846 M. Lucas, inspector-general of prisons, installed, with his own means, an agricultural colony at Val d'Yèvre, near Bourges, an establishment which the Government afterwards took over, and of which it became proprietor in 1872.

The penitentiary administration organized special quarters in auxiliaries of central houses of Fontevrault (1842), Clarivaux (1843), Loos (1844), Gaillon (1845), with outside agricultural occupations. The creation of houses and special quarters for young prisoners introduced correctional education in a definite form through the law of August 5, 1850. This law fixed for the first time, after the code of 1810, the special establishments in which the young offenders of various classes were to be incarcerated. It prescribes especially that minors of both sexes are to receive moral, religious, and professional education (art. 1); that a distinct quarter must be set apart for them in houses of detention and trial (art. 2); that young prisoners acquitted by virtue of article 66 of the Penal Code as having acted without discernment, but not returned to their parents, are to be conducted to a reformatory colony, where they are brought up in community under a severe discipline and assigned to agricultural and industrial occupations (art. 3); one or more correctional colonies are established for young prisoners who must serve more than two years' imprisonment, as well as those who, in reformatory colonies, have been declared to be insubordinate (art. 10).

The regulation of November 11, 1885, has established in articles 29, 30, and 31 rules applicable to minor prisoners accused or condemned for less than six months and those detained by way of paternal correction. The regulation of April 10, 1869, has, in article 121, specified the measures to be taken in regard to minors detained for paternal correction.

According to the decree of November 11, 1885, every prisoner under 16 years must be completely isolated, day and night, from all adult prisoners. This rule is applied equally to children who come under articles 66, 67, and 69 of the Penal Code who are confined for less than six months and those who await their transfer to an establishment of correctional education.

Minors confined for paternal correction conformably to article 375 (and following) of the Penal Code are placed in special quarters of the house of detention, of justice and of correction, and must be isolated day and night.

The procedure, so far as relates to food and maintenance of minors, is the same as that relating to prisoners for debts to individuals in matters of bankruptcy.

No mention is made in the registers, budgets, and records of the convict population and the industries or of the presence in the prison of minors confined for paternal correction. (Art. 378 of Civil Code.)

The guard in chief confirms the legality of the detention by producing the order of arrest delivered or served by the president of the civil tribunal.

On December 31, 1897, the departmental prisons contained a population of young offenders so divided—

	Boys.	Girls.	Total.
Paternal correction	30	37	67
Minors detained on appeal	149	32	181
Condemned for six months or less	14	3	17
Tried, awaiting transfer	53	23	76

On December 31, 1899, the public establishments held—

Boys	8
Girls	1
Total	9

The private establishments—

Boys	13
Girls	7
Total	20

The general regulation of April 10, 1869, has been applied up to this day. At the same time those of its provisions which relate to disciplinary measures have been recently modified.

TREATMENT OF PRISONERS.

RECEPTION OF PRISONERS.

(See Duties of physician, etc. in Appendix.)

RULES OF CONDUCT.

(See "Disciplinary measures," post.)

DISCIPLINARY MEASURES.

CENTRAL HOUSES.

Discipline.—The discipline of the central houses is regulated by a ministerial order of May 10, 1839. It is based on obligatory labor and the rule of silence.

Disciplinary justice is organized under a tribunal. It is administered by the director, assisted by the controller and teacher. After the disciplinary hearing, the director, assisted in the same manner, hears the prisoners, if it is necessary, in their requests or complaints. Grave misdemeanors and crimes are referred to tribunals.

The regulation punishments inflicted by the council are: Reprimand, deprivation of reading and of correspondence, of visits from family, of purchase of supplementary food, of food other than bread for three consecutive days, the hall of discipline (marching and rest alternately), isolation for a period not exceeding ninety days. In case of madness, gross violence, irons are authorized by article 614 of the Code of Criminal Instruction.

Discipline for juvenile offenders.—The idea of repression has yielded place to the more humane principle of education, and the articles of the general regulation (99–110), touching disciplinary methods, have been replaced by the following articles, applicable since July 15, 1899, to houses of reformatory education both public and private:

Rewards.—ART. 90. Rewards authorized are as follows: Inscription on a tablet of honor; a table of honor, reports offered to certain groups; supplementary food; good marks; grades (various insignia); employments of trust; special promenades; praise by name or in public; prize in money or goods; granting of savings-bank books; distribution of toys and trifles; admission to a special quarter of rewards; placing with some persons; engagement in army or navy; return to family. No other rewards can be used without special authority of the ministry.

ART. 91. Inscription on the tablet of honor is exclusively reserved for pupils who in the course of the semester have not incurred any punishment of any kind. This inscription gives a right to a special repast called "table of honor," and to the wearing of a stripe or of a badge. Pupils inscribed on the tablet of honor are also permitted to enjoy an extra award. Measures of favor are granted them by preference.

ART. 92. The table of honor includes only pupils inscribed on the "tablet of honor." Others also may take part in a special repast—pupils of higher grades, those who have obtained certificates for primary studies, diploma of the accountant, or medal for competition in agriculture, music, etc. Repasts by groups are also connected with epochs in the year fixed by local customs for pupils employed in workshops, field occupations, music, etc. Supplementary food may be individual or collective.

ART. 93. Good marks are of two kinds: (1) Good marks granted for work which has a value in currency, whose product serves to form for the pupil a small fund, which is given him, part at his legal majority or at his release from military service (as cited in article 97); (2) good marks granted for the sake of encouragement and giving a claim on articles valued by youth—supplementary foods, as well as release from certain punishments.

ART. 94. The grades are designed to facilitate military and gymnastic exercises and various movements prescribed in the interest of good order and regularity of services. The grades and employments in confidence do not confer any disciplinary authority over other pupils. The grades, confidential employments, various badges, may give claim to award of special favors in articles or in money.

ART. 95. Placing in families, in the army, or return to family, requires an order from the ministry, upon advice of the director and of the prefect. The contract for hire of pupils placed out should stipulate that the gratuity in money given by the patron under the clauses of the contract shall be deposited, as a gift, with the National

Savings Bank, whence it can be withdrawn only at times fixed by article 97. At the same time the contract may specify that a part of the sum may be devoted to maintenance of the pupil.

ART. 96. Admission into the quarter of reward is granted by the minister, upon a report of the director of the establishment, and advice of the prefect. The system of this quarter is regulated by special provisions.

ART. 97. Sums granted in the house to pupils for gratuities, in recompense for their labor and good conduct, are inscribed in the account of each pupil. If, at the end of a year, the amount is above 20 francs, the surplus is turned into the National Savings Bank, under the express condition that it shall not be repaid until release from military service; or, if the pupil is not bound to enter the army, at the time of his legal majority. The holders of these books can not obtain payments before the periods mentioned above, except by authorization from the ministry, or, according to circumstances, from the president of the "society for the protection of voluntary pupils brought up under the administration instruction."

ART. 98. Each year, on the occasion of the national holiday, and at least a month before that occasion, the chiefs of establishments send to the ministry a list of pupils who are to be released. Other provisional releases may be granted in the course of a year upon the advice of chiefs of establishments.

Punishments.—ART. 99.—It is expressly forbidden to strike pupils or use force with them.

ART. 100. The only authorized punishments are; Privation of general awards and of individual compensation (erasure from tablet of honor, loss of badges, confidential employments, etc.); privation of recreations; privation of visits (only in very exceptional cases); isolation during recreation; march in rank during recreation; tasks; bad marks; reprimand; isolation during repast; camp cot (only for pupils over 15 years); dry bread; dry bread, strictly; group of discipline; the cell of punishment; sending to a correctional colony. The use of handcuffs is forbidden as a measure of punishment. They may be employed only in cases determined by article 614 of the Code of Criminal Instruction. Escape may incur a partial or total loss of gratuities. In this case it is fixed by the minister on the proposal of the director and advice of the prefect. Reparation of damages may be levied on the funds of the pupils.

ART. 101. Bad marks may cause the loss of good marks granted for encouragement. The rules actually followed in the houses of public reformatory education in respect to the formation of a fund of pupils are applicable in the private houses of reformatory education, at least in their essential parts. The same holds true of modifications which may appear useful to make in these rules.

ART. 102. Children punished by isolation during the repast eat in the refectory at the same hours as the other pupils, but at a table apart. Punishments of "dry bread," and of "dry bread with rigor" are inflicted in the following manner: "Dry bread:" Children receive soup in the morning, dry bread at noon, and a mess in the evening. "Dry bread with rigor:" Children receive soup in the morning, dry bread at noon, and soup in the evening; or soup in the morning, dry bread at noon and in evening. These punishments are never applied two consecutive days. If the punishment is for several days, the ordinary food is in all cases given every other day. If the punishment is to continue over seven days (that is, a period of fourteen days) the physician must be consulted to know whether the punishment can be prolonged without detriment to the health of the pupil; and all is under the observation of the physician. These punishments on dry bread are inflicted for refusal to work.

ART. 103. Children sent to the group of discipline are placed, in the evening, in a special dormitory. They are busy in the daytime with the tasks of the establishment, form distinct squads for the field work, and during the recreations are not mingled with the other pupils. They take their repasts in a special hall. The punishment of the group of discipline may be applied, according to the gravity of the offense committed, with complete dietary, with dry bread, and with ordinary bed, or with camp couch.

ART. 104. Placing in the cell of punishment is employed only for the most grave offenses. When the duration is to exceed fifteen days, information is given immediately to the prefect as well as to the minister, whose approval is necessary. No cell can be used as a place of punishment until the minister has assured himself that it is wholesome, has decided upon the site, dimensions, and interior arrangements.

ART. 105. Pupils placed in isolation as a precautionary measure and those sent to a punishment cell are required to labor. These are continually under surveillance and should be visited every day by the head teacher or by a delegated teacher and by the head supervisor; at least once a week by the teacher or foreman who has asked for the punishment; at least twice a week by the director and chaplain. The physician should visit the pupils in cells at least twice a week, while members of the administrative corps may ask for his further visits when, in the course of their visits above prescribed, the state of health of the pupils has awakened particular questions. When illness can be treated in the cell they are visited, if required, by the physician every day. A record is kept of the visits of officials and employees and of their observations. It is submitted daily to the director for his examination. Supervision is secured day and night by one or more agents, in addition to the night rounds of the guards. Children punished in a cell come forth at least one hour each day for a walk. Punishment in a cell is assigned either with complete dietary, dry bread, or ordinary bed, or camp couch.

Art. 106. Children under punishment receive, as others, bread at discretion. Precaution must be taken to avoid waste.

Art. 107. Young boys declared incorrigible are sent to a correctional colony to be subjected to a repressive system. This punishment can be inflicted only by the minister, on the advice of the council of supervision and that of the prefect. At the same time, on the proposal of the director of the establishment, there may be a suspension of the sentence to transfer to the correctional colony. In this case the pupil is subjected to a cellular treatment during a fixed period, at the expiration of which he is replaced with other pupils. Pupils considered to be guilty of acts which, on account of their gravity, may not come under the disciplinary action of the establishment, may be referred to a magistrate. Except in a matter of crime the previous authority of the minister will be necessary.

Art. 108. Only the head of an establishment may inflict a punishment. At the same time he may authorize the teacher to inflict, during class hours, the following school punishments: Standing upright during the class, and temporary expulsion. The director alone has power to shorten the duration of punishments or to suspend their effects. With exceptions noted in the second sentence of the present article, the punishments are pronounced by the director, assisted by the head teacher, an ordinary teacher, and the head inspector, or by one of these. The children selected appear in person, and are permitted to offer explanations after reading the report of the facts. A record is kept of all punishments and the reasons for them. The same items are inscribed on a special card attached to the documents relating to each child, and conformed to the model contained in this regulation.

Art. 109. When a pupil has escaped from the establishment where he has been confined, or has left the employer with whom he has been placed, the head of the establishment shall immediately inform by telegram the procureur of the republic at the tribunal of the district (arrondissement) and the corps of police in the neighborhood, and, by a special report, the prefect and the minister. Each of these communications contains a description of the pupil. Every child, at least unless it has been decided otherwise by the minister, is brought back to the establishment whence he sought to escape. The expense of returning and the reward for capture are paid by the establishment. The sum of the reward is fixed at 15 francs, yet this figure may be reduced by ministerial decision in such cases as collective arrests, voluntary return, etc.

Art. 110. The use of tobacco by pupils in all its forms is prohibited.

Organization of Industry.

Labor.—Work purely punitory is not found in the penitentiary establishments of France. Organized labor is applied to meet the requirements of the house, or to various industries suited to the duration of the penalty and the aptitudes of the convicts.

Labor is optional for persons on trial (prévenus), to those under simple police punishments, and those detained for debt. It is obligatory for convicts under correction, whatever may be the duration of their sentence, with the exception of those condemned for violation of the press laws, who have the benefits of a special method. If apprenticeship is more difficult in a cell, application is generally more sustained there, so that the product is as large as that of congregate houses.

Labor in departmental prisons is organized on the contract plan (enterprise). The introduction of the various industries is authorized by the prefect, who approves the rate of prices of hand work, on the proposal of the contractor and the advice of the director. The average daily wage is 50 to 60 centimes (10 to 12 cents).

Industrial organization by contract in the houses of detention, justice, and correction gives the prisoners an opportunity to continue in the prison to exercise their calling, if it is consistent with health, order, security, and discipline. If the industry which they follow in free life is organized in the house, the prisoners are employed at it for a stipulated wage. Under other circumstances they may be employed by master workmen from outside upon conditions fixed by the administration.

The contract system takes two distinct forms, general contract or partial contract. The former system is applied in prison circuits, which include generally, only the prisons of little importance, and where the care of securing work for all prisoners is confided to a general contractor. The second system is in use in establishments where a state management of economic services exists, notably in the department of the Seine. The administration opens a market with a certain number of manufacturers who agree to employ a limited number of prisoners. It is adapted to the purpose of varying the forms of labor and of diminishing, in some degree, local competition. Under both methods, general contract and partial contract, the administration controls with care the labor markets, fixes the price of hand work, and the maximum number of workmen engaged in a given industry. The products of work in houses with short terms fall far short of meeting ordinary expenses. It is difficult to estimate the excess of cost thus accruing, because this figure varies with the ordinary charges for the officers, and with the maintenance and repair of buildings, etc.

Labor in the "central houses."—In the central houses, as in the departmental establishments, only industrial labor is organized, to the exclusion of penal labor. Formerly all the economic and industrial services were granted to general contractors. Now, as we have already said, the system of state account has been substituted for contracts.

The penitentiary administration is careful not to cast the products of convict labor on the market. It seeks to realize even more completely the view expressed by parliament in relation to the employment of penal hand work in the manufacture of articles necessary for the branches of state administration.

Outside the workshops producing on state account no industry can be carried on without authorization of the minister of the interior, under conditions and according to a rate for manufacture which have been presented for advice to the chamber of commerce, then submitted for discussion to the committee of general inspection of prisons; the rates being then fixed by the central administration and always liable to revision.

We are very much concerned to see to it that penitentiary labor, even though diminished in efficiency by the want of genuine professional training of convicts, and by their negligence and habitual ill will, shall not compete injuriously with free labor, when the labor is not for the state. In the shops with state account plan instruction is given by free foremen who are paid by the State. In the workshops contracted out, the wages of these artisans, as well as the entire industry, are entirely at cost of the contractors. The convicts are classed in the workshops according to their aptitudes or professions in free life. They pass an apprenticeship divided into stages, in the last of which they receive pay. The apprentice workman must, according to his capacity, complete a daily task which is proposed by the free foreman, examined by the controller, and decided by the director. Those who do more than the task are encouraged by a pecuniary gratuity which raises the tariff rate. The spoiled pieces call for a fine levied on the fund of the convict according to a regulation rate. If a vicious motive or criminal intention is proved there is added to the fine a disciplinary action.

Work is obligatory for all convicts who are well. A part of the product of this work falls to the convict; this is added to his "fund," the convicts not having any means at their own disposition. The fund is divided into two parts, the "disposable" and the "reserved." The disposable fund includes: (1) The half of the part of his product which is credited to the convict, corresponding to his penal class. The product of labor is divided by tenths between the State and the prisoners according to the class to which they belong. The first offender convicts of the central houses of correction are allowed five-tenths, while those in the central houses of hard labor are granted four-tenths. These tenths are diminished for recidivists, down to one, in consequence of previous convictions. Thus a conditional convict who had previously been condemned to hard labor or reclusion would not receive more than three-tenths. He would receive four-tenths if previously condemned only once. Convicts distinguished for their good work and excellent conduct are recommended to the minister of the interior, who grants them additional tenths. Those who are lazy or troublesome may be punished by losing a tenth. (2) Rewards for service as foreman, monitor, etc. (3) Sums brought at the moment of entrance, those which are sent or remitted on account of the convict outside his labor, and those which come into his possession during detention. (4) The product of the sale of articles and junk during his detention. (5) Exceptional receipts authorized by the minister. With his disposable fund the convict may buy additional food at the canteen, clothing, books, etc., or send help to his family. The reserved fund of each convict is composed of half the part credited to him, according to his penal class, for the product of his labor.

Care of Health.

Sanitary state of prisons.—The sanitary condition of houses of detention is on the whole satisfactory. The disappearance of some of the decayed establishments and their replacement by cellular prisons has introduced a remarkable improvement in the former state of things. The cellular prisons above all meet the requirements of sanitary standards.

The dietaries of prisons in the houses for short sentences include: Six times a week the moderate service (service maigre); once a week (Sunday) a full service (service gras). [In the cellular prisons the full service is offered twice a week.] The daily ration of bread (bread and soup together) is 850 grams for men and 800 grams for women.

Moderate service.—In addition to bread the prisoners receive daily, in the forenoon, a half-liter of bouillon; in the evening at mess (ration of vegetables) at least 3 deciliters. In this mess and soup are mixed, for 100 prisoners, the following materials: (1) Thirty kilograms of potatoes of good quality, weighed after trimming, or alternating each day, 9 kilograms of dry vegetables—peas, beans, lentils, or kidney beans; (2) 8 kilograms of carrots or of turnips well trimmed, or other fresh vegetables in the same proportions, such as cabbages, peas, beans, or kidney beans, according to the season; (3) with potatoes, 5 kilograms of fresh vegetables, or, with rice or dry vegetables, 10 kilograms; (4) 1 kilogram of dry mashed vegetables, rice, or barley porridge; (5) salt and pepper, as required; (6) 1.500 kilograms of butter or 1.250 kilograms of fat pork, called "saindoux."

Full service.—In the morning this supplies: One ration of soup, in which is furnished, for 100 persons, 5 deciliters of bouillon made from 15 kilograms of beef; in the evening, a mess (ration of vegetables) of 4 deciliters per ration, and some of the meat served in the morning to make soup.

The dietary for the sick includes meat, vegetables, and wine, every day, and varies, in a certain measure, according to the prescriptions of the physician.

Ventilation.—Ventilation is secured in most of the prisons by the ordinary means. In some establishments, at Fresnes, for example, the ventilation of cells is obtained by means of a powerful motor which renews the air of the cell about twice each hour.

Cleanliness.—In all French prisons great importance is attached to the cleanliness of prisoners and of the rooms. All prisoners are bathed at their entrance and whenever during their stay the usefulness of it is clear; their clothing is also washed and disinfected when necessary.

The sick.—The number of patients treated in the infirmary represents about 4 per cent of the total number of prisoners. The most common diseases are those which affect the respiratory system.

Mortality.—The mortality does not reach 2 per cent of the total population.

Food for the healthy in the "central houses."—(1) Bread, 700 grams, furnished every day, made of flour from pure wheat, bolted to 10 per cent extraction of bran. The flour must produce on test 30 per cent of moist gluten. The bread is distributed in rations forty-eight hours after it comes from the oven. There is also given bread with soup made with flour bolted to 22 per cent and producing 36 per cent moist gluten. The ration by day and by man is 70 grams Sunday and Thursday, and 130 grams other days of the week.

(2) Two moderate (maigres) soups, of 40 centiliters each, prepared for 400 men, with 1 kilogram of dry vegetables and 8 kilograms of fresh vegetables; 13 kilograms of bread; 1.200 kilograms of fat, 1.400 kilograms salt, 32 grams of pepper. Friday butter takes the place of fat, 1.444 kilograms.

(3) Sundays, Thursdays, and legal holidays, in the morning, there is given out a meat soup. The ration is 5 deciliters. It is composed, for 100 convicts, of 12 kilograms of beef on Thursday, 7 kilograms of bread soup, 4 kilograms of fresh vegetables, 600 grams of salt, and 20 grams of pepper. On Sundays and holidays the quantity of meat is raised to 15 kilograms.

(4) For repasts in the evening of days of scant (maigre) diet there is given out a mess of 3 deciliters of potatoes on Wednesdays and Fridays. On the other days dry vegetables—peas, red and white beans, and lentils. For 100 convicts this mess (pitance) includes 25 kilograms of potatoes, or 12 kilograms of dry vegetables, 1 kilogram of onions, 600 grams of salt, and 7 grams of pepper. On Friday the fat is replaced by 720 grams of butter. Saturday the beans are seasoned with 720 grams of oil of campion and 1.500 grams of vinegar of wine.

(5) Sundays, holidays, and Thursdays the evening repast is composed, for 100 prisoners, of one portion of cooked and boneless meat, of 750 grams, of 60 grams, accompanied with a mess of 3 deciliters of rice, having the customary condiments for the proportion of dry vegetables.

Supplementary food.—The supplementary food of the canteen are paid for by the convicts out of the fund placed at their disposal during their sentence. The maximum outlay is 50 centimes a day for each convict. The prices of articles are fixed by the steward in a rate sheet made every six months. A column of the table is reserved for remarks of the director and controller. The prefect of the department decides upon the time of carrying the rate sheet into effect. Withdrawal of canteen privileges is a disciplinary measure.

EDUCATION.

Discipline in France does a large part of the reformatory work upon prisoners by means of libraries, schools, discussions, and an earnest organization of labor. To these various means of action are added the patronage of liberated men, designed to facilitate the restoration of convicts to social position. But if the system and discipline propose for their principal end the improvement of the prisoners whose uplifting it is reasonable to hope, they retain none the less a character of sufficient severity to intimidate those who are more deeply corrupted. In all that relates to the funds of prisoners, especially the part left to the convicts of the proceeds of their labor, a difference is made between recidivists and others, varying with the extent of recidivism. This diminution of their funds, by restricting the ability to purchase at the canteen, weighs upon the supplementary food of the prisoners and so increases the rigor of the system to which they are subjected. When the conduct of a person is satisfactory the encouragements and devices for exciting and developing hope are not wanting. Thus, if they deserve it, they may receive the rewards indicated hereafter: Permission to procure at their own expense supplementary food and clothing; to receive gratuitously additional bread during the apprenticeship stage; a classification suitable to their professional aptitudes and their tastes; the privilege of receiving visits more frequently than is provided in the regulations; permission to wear beard and hair; in certain circumstances excuse from wearing prison uniform; pardon or reduction of penalty; conditional liberation.

On the other hand the administration has recourse to disciplinary punishments to overcome the resistance of convicts whose conduct is defective. The disciplinary regulations applicable to prisoners are posted up in each cell. They are read to new arrivals and, later, on the days of conference, to all the population assembled together. Violations are few in number, especially in cellular prisons. They are punished, according to circumstances, with the following disciplinary penalties: Reprimand; withdrawal of permission to make use of wine, of tobacco, and to procure supplementary articles of food other than bread.[a] Deprivation of walk, reading, visits, attendance on lectures and conferences; the withdrawal of food other than bread during three consecutive days at most, the ration of bread being sometimes increased; placing in a cell of punishment with possible removal of all or part of the bed furniture other than covers.

All these punishments are inflicted under the control of competent local authority. They are ordered[b] by the director in prisons, administered by an official of this order, and by the guard in chief in others, with the requirement in the latter case to report to the director within twenty-four hours.

Various measures have been ordered concerning the exercise in the yards, which ought to be for at least one hour a day; the visits made by the guards in the cells, the places for walking, the passageways; the precautions to be taken to avoid making known the names of prisoners; the silence which must be observed in all parts of the house.

Perhaps the use of irons should be mentioned here. But this measure is not a punishment. It may be applied to prisoners not under punishment. It is a measure of precaution, provided for in article 614 of the Code of Criminal Instruction, in respect to persons who, in a moment of fury, may be dangerous to themselves or others.

Moral and religious influence.—We have already indicated, in examining the conditions under which the moral reform of the prisoner is sought, the various means at the disposal of the administration for this purpose—schools, libraries, conferences, patronage, worship, visits and correspondence of families. Later we shall present the organization of schools and of libraries. The religious service is organized in all the houses, whatever may be their extent, but attendance is not required of prisoners. Ministers of the various faiths also have conferences in relation to questions of morality. Free conferences are also permitted in the prisons, and the problems for discussion must have the approval of the administration.

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[a] The prisoners under arrest (prévenus) and those on trial have the right to smoke in the exercise yards, and even in their cells. They may have food brought in from outside, and may have wine (not more than 75 centiliters) or a liter of beer or of cider.

[b] Cell punishments are ordered by the prefect when they are to extend beyond fifteen days.

The visits and letters of families are favored when they appear to contribute to the moral improvement of the prisoner. They constitute, when they are well directed, a means of moral aid which should not be neglected.

Instruction.—Illiterate convicts under 40 years of age and serving a term of over three months are required to receive instruction in school. The duration of the sentence in the prisons for short terms do not give the teachers an opportunity for a programme of great extent. The pupils change so frequently that it is necessary to return incessantly to the same elements, for otherwise only a few would receive benefit. It does not seem likely that instruction so restricted can have a very serious influence on the improvement of the convicts. At the same time, little as the advantage may appear to be, it is not proper to deprive some prisoners of it who desire it and profit by it.

If one can judge by the number of requests for books, the influence of reading seems more important, and since almost all convicts read, this means should be retained and favored.

Moral reform of prisoners.—We have already explained the means of moral influence employed by the administration, and have shown that discipline, instruction, and labor cooperate, in various ways, to the moral improvement of the prisoners. But no one can declare with certainty whether the prisoners go out of the prison better or worse than when they entered. Nevertheless the statistics of recidivism furnish some indications which may be examined with useful results. Doubtless we can not say that every recidivist is a man who came forth from the prison worse than when he entered it. It is necessary to take into account the effect of the social state, enforced idleness, poverty, sickness, infirmities, enfeeblement of powers, which bring before the tribunals a large number of poor wretches who are incapable of supplying their wants by means of regular industry.

Keeping these considerations in mind, we notice that in France about 70 per cent of the condemned are recidivists, of whom only a half are legally recidivists (sentences over one year in prison). At the same time, criminality, as one will see further on, has been decreasing in France for some years. According to the last account of criminal justice (1897), this "persistent fall in the various graphic curves of criminality gives reason for thinking that we have to do, not with a passing oscillation, but with a permanent tendency which promises a real amelioration in our social state in matters relating to crime."

Moral and religious influences (central prisons).—Each prisoner may follow the exercises and instructions of his own confession. He converses alone with his minister if he desires to do so. A library of more than 3,000 volumes to each establishment is placed at the disposition of the convicts. The list of books is approved by the superior administration. On Sunday the delegated members of associations of patronage are active in personal converse with convicts. On the same day visits are received from families, and correspondence is written. These visits, as well as the influence of patronage, have a salutary influence on prisoners.

The law of August 14, 1885, permitting conditional liberation under the conditions stated at the begining of this account, has also exercised a happy influence on the mind. The hope of liberty contributes greatly to the restoration of the prisoner to better sentiments. In the same order of ideas rank the pardons, commutations, and reductions of penalties.

In 1897 there were granted: (1) To men—60 entire pardons, 26 commutations of penalty, 686 conditional liberations, 189 reductions of penalty. (2) To women—6 entire pardons, 8 commutations of penalty, 156 conditional liberations, 34 reductions of penalty.

Instruction.—In every central house for men and women is established a school, directed by a male or female teacher. Instruction is given every day for one and one-half hours, except during vacation. Prisoners under 30 years of age who show on admission defective intelligence are admitted to the school. The pupils are grouped under a monitor selected from among the educated prisoners, aiding the teacher.

The subjects taught include the programme of the public primary schools: Reading, writing, arithmetic, the metric system, history, and geography of France, moral and civic instruction. The teacher is charged with caring for the library and distributing the books. The books are given out on Sunday. The entire number of volumes for all the central houses is about 40,000. The number given out for reading in 1897 was 207,859. In addition to placing books at the disposal of prisoners, there are readings of evenings and in the dining halls. These readings produce a good effect upon the population of the institution; they are an excellent aid to discipline, helping to maintain order and silence among the convicts. The prisoners who behave well are permitted to buy, out of the product of their labor, books of instruction, professional manuals, etc. No special periodical publication is placed in the hands of prisoners.

DISCHARGED PRISONERS.

Often the prisoner at his release from prison has only limited resources, and does not immediately find work. It is then that the societies of patronage[a] may intervene with good effect. These societies are numerous and active throughout France. Many are subsidized by the government. They return the liberated prisoners to the department of their origin; they help them to find work and receive them into special asylums during a certain time. Many of these societies have adopted the method of giving aid by work.

Patronage does not exist merely for adults. It is very active and successful with young offenders. There is a society or committee of patronage for each colony. Encouraged by results obtained in different cities, by patronage and assistance by work, the penitentiary administration has itself wished to organize an asylum for the former pupils who are without resources, without employment, and without a family.

One may read on page 51 of the report of the budget of penitentiary affairs for 1900 the following passage: "An interesting form of patronage is that which is conducted by the director of the colony of Douaires, for former pupils of this establishment who find themselves without resources; not only does he procure employment, places for the released prisoners, give them assistance in money and goods, but he also collects them in a refuge situated near the colony. From 1896 to 1898, 80 former pupils without employment, without means, often without family or rejected by them, have come to such an asylum. It was in 1869 that the first works of patronage were created. A decree at that time formed a commission for the investigation of questions relating to patronage of discharged prisoners, adult and minors. These societies developed in the departments by the aid of gifts, subscriptions, and subsidies. The State contributes subsidies annually to the amount of 151,000 francs to this work of patronage. In respect to conditional liberation, it has for its object to contend with recidivism. It was a law of August 14, 1885, which instituted this measure. "A disciplinary regulation, based on the daily record of conduct and labor, (says the first article of this law), shall be instituted in the several penal establishments of France and Algiers, with the purpose of assisting in the improvement of convicts and in preparing them for conditional liberation."

This liberation is thus obtained by good conduct, sustained industry, and repentance of the prisoner. In order to receive its benefits the person concerned must serve at least half his sentence, if he is convicted for the first time, and two-thirds if he is a legal recidivist. It is assured that the person liberated shall have employment at his release, or an asylum with his friends or with honorable persons, or at least the aid of a society of patronage. This conditional liberation may be revoked at any time in case of habitual and public misconduct or the violation of special conditions expressed in the permit. In this case the person must serve for the entire remainder of the sentence. Yet, if the revocation has not been made before the expiration of the term, the liberation is final. A committee appointed by the minister of the interior examines all the requests for conditional liberation and gives his counsel. This committee is composed of ten members and includes representatives of the prison administration, of general security, and the minister of justice.

For young offenders a measure of special indulgence has been created under the name of provisional liberation, by the law of August 5, 1850; it differs in several points from conditional liberation. These differences will be characterized in the chapter on the establishment of penitentiary education.

We must mention the law of May 27, 1885, on the "relegation" of recidivists.

"Relegation" is an accessory penalty. It is pronounced by courts and tribunals against persons who have committed, within ten years, crimes or misdemeanors whose number and nature are enumerated in article 4 of the law. Those "relegated," once the principal penalty is completed, are transported to a colony. Their designation to such or such a colony is made upon the advice of a committee composed of representatives of the council of state, of the department of justice, of the interior, and of the colonies.

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[a] I adopt the French word "patronage," as it seems expressive and is brief. It means here a society to aid prisoners.—C. R. H.

APPENDIX.

French Prisons.

Some additional items are derived from "Monographs of various establishments, prepared for the Fifth International Prison Congress, Paris, 1895. Melun, Press of Administration, 1895, prepared for the Minister of the Interior."

Facts are given relating to the following establishments: Central prison (for men), Melun; Poissy; agricultural penitentiary of Berrouaghia; central house (for women), at Rennes; cellular prison (mixed), at Angers; house of arrest and of justice, at Lyons (mixed), and of correction at Rouen. For boys: Agricultural and maritime colony at Belle-Isle-en-Mer; agricultural and industrial colony at Anniane; at Mettray; at Sainte-Foy. School of Sainte-Odile (girls); correctional department (boys), at Rouen. Refuge workshop at Rouen (girls).

Note.—The limits of space forbid the reproduction here of the entire translation of the "Monographs of 1895," which was prepared for this volume. Selection has been made of typical houses in order to give a more distinct conception of the life of a French prison. For additional material of great interest see: Penal Codes of France, Germany, Belgium, and Japan, by S. J. Barrows, House Doc. No. 489, Fifty-sixth Congress, second session. Codes of penal law and of criminal procedure must always be studied as the basis of administrative regulations.

CENTRAL HOUSE OF MELUN.

Number of population, 605 (average from January 1, 1887, date of introduction of the Auburn system, to December 31, 1894).

Corps.	No.	Duties.	Salary.		Observations. (Note here the material advantages of officers in addition to salary—lodging, heat, light, uniform, etc.)
			Minimum.	Maximum.	
			Francs.	*Francs.*	
Administration	1	Director	4,500	6,000	Furnished heat, light, rooms, or payment instead.
	1	Controller	2,000	4,000	
	1	Steward	2,000	4,000	
	1	Chief accountant	1,800	3,500	
	1	Clerk of records	1,500	2,400	
	1	Bookkeeper	1,500	2,400	
Sanitary	1	Physician	....	[a]1,500	
	1	Druggist	....	[a]800	
Instruction	1	Teacher	1,500	2,400	Do.
Worship	1	Catholic chaplain	....	[a]600	
	1	Protestant pastor	....	[a]300	Annual indemnity for residence.
	1	Rabbi	....	[a]250	
Supervision	1	Chief guard	1,800	2,400	Uniform, annual indemnity for living expenses (100 francs), payable semiannually.
	2	First guards	1,600	1,700	Uniform, ·750 grams of bread per day, monthly indemnity for living expenses (10 francs).
	1	Guard clerk	1,300	1,500	
	43	Ordinary guards	1,300	1,500	
Industries	1	Foreman of printery.	....	[b]300	
	1	Foreman of tailors	....	[b]350	The foremen of the other shops managed by free labor are paid by the contractors of the shops.
	1	Machine foreman	....	[b]175	

[a] Fixed payments. [b] Per month.

SUMMARY OF STATEMENTS AS TO THE MODE OF RECRUITING THE PERSONNEL; THE GRADATION OF RANKS; THE POWERS AND DUTIES OF EACH CATEGORY OF OFFICIALS, EMPLOYEES, OR AGENTS; RETIRING PENSIONS ALLOWED.

Recruiting the personnel.—Persons are recruited for the administration of instruction and guarding by way of examination. Officers of health and worship are designated by the minister of the interior. The officers of the industries under contract are free workmen designated by the contractors and approved by the minister of the interior. The officers of industries on state account are workmen chosen by the director of the establishment.

Gradation and duties.—The minister of the interior has among his powers and duties the execution of the laws relating to prisons. The supervision of every central house is intrusted to the prefect of the department where it is situated, under the authority of the minister of the interior. The director administers under the authority of the prefect. His activity is extended to all parts of the service. All the employees of the establishment are subordinate to him. They are required to conform to his instructions for the kind of work intrusted to them, and to assist, even outside their ordinary duties, when he requires their help for writing or for operations relative to the service. In case of fire, mutiny, or plot he may require an armed force.

The inspector or controller takes the place of the director when absent. In case of temporary absence he exercises all the powers of the director for all urgent objects. He is especially charged, unless the director intervenes and decides in case of dispute, with the direct supervision of the economic and industrial service; with the order of the workshops, dormitories, and places of punishment; with the classification of workmen in the workshops, in agreement with the steward or the contractors; with the establishment or the execution of the rates for hand work, the tasks of labor, regulation of defects, waste, etc., committed by the workmen. He sees to it that the service of cleanliness is carefully carried out in all parts of the house. The clerk-accountant takes the place of the absent controller in the same manner as he takes the place of the director. As clerk he is specially charged, under the authority of the director, with the writings relative to the register of the convicts, the execution of penalties, the care of the archives. As accountant he is charged (1) with accounts of the property of the convicts; (2) with the payment of expenses of the economic management and of industry for all sums not above 2,000 francs; (3) with the receipts of the treasury, whatever their importance. He supervises all the written accounts and other confided to clerks.

The clerk of records (le commis aux écritures) has no administrative duties. He makes copies for the clerk-accountant and of documents required by the director.

The duties of the steward (l'économe) are all the details of the economic and industrial service of the management. He is charged, under the authority of the director, with (1) keeping account of materials; (2) supervision of marketing; (3) preparation of budgets for provision of supplies; (4) storing and keeping of all provisions, (5) daily distribution of food and materials necessary for the various services. He is to conform to the regulations and orders which the director gives him.

The bookkeeper is charged with the duty, under the direction of the steward and under the supervision of the director, of keeping the records of the management and its results.

The service of the physician includes: (1) Visiting the prisoners at the moment they enter the central house; (2) visiting the prisoners as authorized by the administration on request, on account of health, for medical care, exemption from labor, change of occupation; (3) visiting the prisoners in the places of punishment, shops, dormitories, and yards, every time it is required by the director; (4) treatment of the diseases of prisoners and guards; (5) supervision and management of the infirmaries for medical purposes; (6) the right to address in writing the director on all questions which concern the health of the prisoners, and the duty of giving in writing his opinion on all questions asked by the director in that which affects the sanitary service; (7) keeping the medical records.

The service of the apothecary includes: (1) The preparation and distribution of drugs; (2) supervision of alimentary preparations intended for the infirmary; (3) management of the pharmacy and the laboratory; (4) keeping the records of the pharmacy.

The teacher has charge of (1) the elementary school of the guards; (2) the elementary school of the prisoners; (3) keeping the library; (4) helping the director of the court of disciplinary justice as assistant; (5) keeping the records relative to the moral condition of prisoners (punishments and rewards, relations with families, guardianship, clemency, and conditional liberation); (6) keeping the records required of him by the director. The teacher is employed within. He takes rank in the administration after the clerk-accountant and competes with him for promotion.

The ministers of the different confessions have administrative relations only with the chief of the house. They arrange with the director for rites and other religious services. The control of the altar belongs only to them. The management of other parts of the chapel is in the hands of the director. They select among the prisoners, with consent of the director, the assistants of the worship. They visit the infirmaries and cells as often as they think proper, and attend the sick who ask for them. They are informed of every death.

Retiring pensions.—All officials, employees, and agents of administrative services, of instruction and supervision, have a right, after thirty years of service and 60 years of age, to a retiring pension, calculated as one-sixtieth of the salary, per year of actual service. The age may be reduced to 50 years and the duration of service to twenty years in case of infirmities contracted in the service.

School of guards.—An elementary school of guards has been created at the central house of Melun in accordance with a ministerial order of August 19, 1893. The school is held each day during one hour. The instruction is imparted in conformity with a programme and after the arrangement of time annexed to the order cited above. The pupils, to the number of 12, are divided into two groups. The same subjects are taught to the agents of the two sections, holding in mind, in teaching the French language and accounts, the various abilities of the pupils. At the rate of six days of classes per week each section profits by instruction during about one hundred and fifty hours per year. Sunday (one hour) is devoted to lessons in anthropometry and to military exercises. The instructions in various matters of the programme are divided among the officers and the employees as follows: Director—law, discipline, transfers; inspector—labor of prisoners; clerk of accounts—bookkeeping; teacher—French language, arithmetic, metric system, geography, reading, writing, and outlines of plans; bookkeeper—economic services (the steward can not, on account of the needs of the service, teach this course).

Worship.—*Organization of the service for worship.*—The attendance on religious rites is required of convicts who have declared, on their arrival, that they wished to follow the acts of their worship. The service of worship is cared for by (1) a Catholic priest, (2) a Protestant pastor, (3) a rabbi.

Catholic worship.—The mass and vespers are celebrated each Sunday and on days of religious festivals, with suitable solemnity, by the Catholic priest, in the chapel of the central house. The rite is followed by a sermon or religious instruction.

Protestant worship.—Convicts belonging to the reformed religion are gathered in a special hall. The services are held on Sunday, 9 to 10 a. m. The pastor also gives religious instruction.

Israelitish worship.—A special room is set apart for the celebration of Israelitish worship. The services take place on Friday, 4 to 5 p. m., and Saturday, 9.30 to 10.30 a. m. During the Paschal festival the Israelitish convicts who profess their faith take their repasts apart. The food for these repasts is prepared in conformity with the rites of the Israelitish religion.

No religious exercises are held outside the days fixed for the celebration of the services for the different forms of worship. At the same time religious instruction is given sometimes during school hours, especially at the approach of the great festivals, by the ministers of the different communions to convicts who ask to be catechized. The priests of the different forms of worship lend their cooperation to care for liberated men, and busy themselves especially with the reconciliation of convicts with their families.

Instruction.—*Schools—Courses—Libraries—Conferences.*—Attendance at school is obligatory for all illiterate convicts aged less than 30 years. Illiterate convicts aged more than 30 years and those who possessed, on their arrival, a certain degree of instruction, are not admitted except upon their own request.

Excluded from the school are those whose bad conduct and perversity may give reason to fear that they may become a cause of trouble.

The convicts who attend school are divided into two groups: (1) The convicts belonging to the quarter for improvement. They receive primary instruction on Monday, Wednesday, and Friday, from 4.30 to 5.30 p. m. (2) The convicts who have already been subject to previous convictions. The school for them is held Monday, Tuesday, Wednesday, Friday, and Saturday, from 9.30 to 10.30 a. m.

Living languages—Drawing.—Besides, instruction in the living languages and drawing is given, under the direction of the teacher, by monitor convicts named, after trial, for this employment: (1) To convicts in the quarter for improvement, on Tuesday, Thursday, and Saturday, from 4.30 to 5.30 p. m.; (2) to recidivist convicts Thursday at 9.30 to 10.30 a. m., and Sunday at 11.00 a. m to 12 m.

Music.—Instruction in music is given in a special place. From 9.30 to 10.30 a. m. for instrumental music; from 4.30 to 5.30 p. m. for solfeggio.

Library.—Annexed to the school is found a library including 2,551 volumes. Reading is permitted to the convicts on Sundays and holidays and every day during the promenade. The distribution of books occurs once in fifteen days, on Sunday. Works placed for reading are returned to the library on the Saturday which precedes the distribution. To permit to convicts to make choice of works which they desire to read, an extract from the general catalogue is sent to the writers of each shop. The convicts are responsible for all injuries which occur to the books in their hands. The amount of the injuries is levied on the disposable property of the convict who is responsible for them.

Conferences.—There are, properly speaking, no conferences of the convicts. At the same time there is given them for reading at their arrival some general regulations and instructions which concern them; besides, during the four or five months of their detention they are collected the first Sunday of each month, at the end of the mass, in the hall of the tribunal to receive from the teacher a communication of rules and to hear him comment on them. They are thus able to acquire an exact notion of their duties, and to know at the same time the punishments which will be inflicted on them if they violate the established rules and the rewards accorded to those who distinguish themselves by their good conduct and their application to labor.

On the occasion of the holding of the tribunal of disciplinary justice and of weekly claims, the director instructs the convicts on their duties and their rights, the disciplinary regulations relating to employment and restoration to society upon liberation.

Convicts may procure books at their own expense. The purchases are authorized by the director, with a reserved right of the minister of the interior to approve all works which are not in the catalogues ordered by ministerial decision.

There are no periodical publications for the use of convicts. At the same time, to facilitate the expatriation of those among them who desire to quit France at their liberation, the "Bulletin Mensual de l'Exposition Permanente des Colonies" is given to the convicts for reading at their request.

Disciplinary system.—*Punishments and rewards.*—The convicts who are guilty of violations of the regulations are cited each day to appear before the tribunal of disciplinary justice. Punishments are inflicted by the director, assisted by the inspector, the teacher, and the chief guard performing the duties of the clerk.

The punishments inflicted are the reprimand, fines ranging from 0.10 franc to 2 francs, the hall of discipline, and placing in a cell. Reprimands and fines are sufficient to repress the lighter infractions, such as talkativeness, negligence in bearing, petty trading. Punishment in the hall of discipline is reserved for faults relatively grave—refusal to work or disobedience, quarreling, abusive language, slight wrongs done to other convicts, etc. * * * It varies from one to fifteen days. Men punished in the hall of discipline receive a ration of bread and soup once a day. They lie in a punishment cell on a camp couch furnished with a mattress. They have one cover in summer, two in winter. In the daytime they are required to march fifteen minutes. The march is followed by a rest of twenty minutes. The duration and the hours of eating are the same as for the others in the population. The punishment in a cell is inflicted for insubordination, grave insults and threats in respect to the administrative persons and guards, disorder and refusal to submit to the regulations of the hall of discipline, etc.

The convicts punished thirty days in a cell have the food of the healthy men one day in four. The other three days they are subjected to a régime of dry bread and water. Those who are subjected to the cell punishment more than thirty days receive regularly the food of healthy men after the first thirty days. Just as with the men punished in the hall of discipline, the convicts in cells lie on a camp couch furnished with a mattress, with one cover in summer and two in winter.

Violations of regulations—talkativeness, trading, refusal to work and disobedience, threats and insults to guards, quarrels and strife among convicts, etc.—are repressed by discipline.

Severe wounds upon fellow-convicts, wrongs done to the members of the administrative staff or guards, crimes and misdemeanors of a certain gravity are subjects for judicial prosecution. The director enters complaint immediately to the prosecutor of the Republic about the crimes or misdemeanors, at the same time advising the prefect and the minister of the interior.

The house is organized after the régime of Auburn. There exist divers categories, according to the age, origin, and court history of the convict. So the old men are employed, in a special workshop, at work which causes slight fatigue—the making of bands. The basket shop, where the apprenticeship is relatively easy, takes, as much as possible, the convicts of rural origin. The other convicts are also, as far as possible, classified according to their aptitudes.

A special quarter, called "for amendment," has been made for convicts who have not served previous sentences and whose antecedents do not give grave cause for anxiety. The men admitted to this quarter of amendment are classed with the printing shop. They do not come in contact with the other convicts. A dining room and a yard are set apart for them. The school is held for them at hours other than those for the rest of the population.

On the other hand, men who are marked for their bad impulses and who persist in being unwilling to submit to the rules are separated from other inmates and placed in a cell under the title "consignés."

The director can not retain the convicts in a cell for a longer period than three months. Beyond that term the retention is authorized by the minister of the interior.

With very rare exceptions the period in the cell is not authorized for more than one year.

Pardons and conditional liberation.—Every year a table of proposals for pardons to be conceded on the occasion of the national festival of July 14 is addressed to the minister of the interior by the hierarchy of public service. This budget includes, in a general manner, the convicts whose conduct has been very satisfactory and who, although they have served a half or two-thirds of their penalty, do not meet the conditions required by the law of August 14, 1885, for admission to the benefit of conditional liberation, whether because they are strangers or by reason of interdiction of residence to which they are subjected, or because of the impossibility of assuring working in a fixed residence.

Some individual proposals are addressed by way of exception, in the course of the year, in favor of convicts who, after the sending of the budget, distinguish themselves by an act of devotion.

Convicts who have served half or two-thirds of their term, according as they are or are not in a legal sense recidivists. are proposed, at all seasons of the year, for admission to the benefits of conditional liberation, if their conduct is satisfactory and if they give assurance of having employment outside or resources sufficient to enable them to live honestly.

Conditional liberation is granted by the minister of the interior, on the advice of the director, of the prefect, of the procurer-general, and of a commission composed of representatives of the ministers of justice and of the interior. There have been granted during the last ten years 16 pardons or remissions of the rest of the sentences, 297 reductions of the term, 62 commutations of penalty, and 513 conditional liberations.

The average of convicts who have incurred new convictions after having been the objects of grace, or having been brought back after having received the benefit of conditional liberation, is about 2 per cent.

Conditional liberation has produced some excellent results from the point of view of the interior discipline of the establishment. This reward is very much valued by the convicts and is for them an encouragement to good conduct, and grave offenses have been diminished in a notable degree. This diminution is due also, in part, to the régime of individual separation at night, which was instituted at the central house of Melun at the time when the law of May 14, 1885, on conditional liberation was first applied.

Recidivation.—(1) Recidivists in the proper sense (arts. 56, 57, 58 of the Penal Code) having been previously convicted:

One time	63
Two times	11
Three times	3
Four times	2
More than four times	5
Total	84

Individuals not legally recidivists previously sentenced:

Once	124
Twice	51
Thrice	113
Total	288

Individuals previously confined in establishments of correctional education, * * * 39; entire number with such antecedents, 411.

(2) Individuals who had already been punished by deprivation of liberty for a crime or misdemeanor of the same nature as that which caused the condemnation in course of execution, 206; individuals who had been confined in establishments of correctional education for a crime or misdemeanor of the same nature as that which caused the sentence in course of execution, 3; total, 209. (December 31, 1892).

Economic service.—(*a*) **Diet of the sound men.**—The sound men have a right every day of the week to the following quantities:

Monday.—Morning: Bread, 830 grams per day; thin soup of 4 deciliters, composed of 80 grams of fresh vegetables, 50 grams of potatoes, 10 grams of dried vegetables, or pea soup, 12 grams of fat; salt and pepper as necessary. Evening: A soup similar to that of the forenoon; a mess composed of 120 grams of dried vegetables (lentils), 10 grams of onions, 6 grams of fat; salt and pepper as necessary.

Tuesday—Morning: Bread, 830 grams for the day; thin soup of 4 deciliters composed as that of Monday. Evening: Same soup as forenoon; a mess composed of 250 grams of potatoes, 10 grams of onions, 6 grams of fat; salt and pepper as necessary.

Wednesday—Forenoon and evening: Bread, 830 grams; same diet as Monday with this exception, that in the mess of the evening 120 grams of lentils are replaced by an equal weight of beans.

Thursday—Morning: Bread, 770 grams; soup of 5 deciliters of bouillon, containing 120 grams of beef, 40 grams of fresh vegetables. Evening: The ration of meat cooked in the soup of the morning; a mess composed of 60 grams of rice, 10 grams of onions, 5 grams of fat.

Friday—Morning: Bread, 830 grams; soup, 4 deciliters of bouillon, composed as that of Monday, Tuesday, and Wednesday. At the same time the 12 grams of fat are replaced by 14 grams 4 decigrams of butter. Evening: Same soup as morning. Same mess as Tuesday, except that 6 grams of fat are replaced by 7 grams 2 decigrams of butter.

Saturday—Morning: Bread, 830 grams; soup, the same as evening before. Evening: Soup, same as in morning; a mess composed of 120 grams of dried vegetables (beans), 10 grams of onions, 7 grams 2 decigrams of butter.

Sunday—Morning: Bread, 770 grams; a rich soup of 5 deciliters of bouillon, containing 150 grams of beef, 40 grams of fresh vegetables. Evening: The portion of cooked meat in the soup for the morning; a mess made of 250 grams of potatoes, 10 grams of onions, and 5 grams of fat. The soups for the morning and for the evening are prepared separately.

(*b*) **Additional foods.**—The prisoners may procure at the canteen additional food, of which the cost is reimbursed from their disposable funds. These may be delivered to each man, at his choice, if the expense does not exceed 0.50 franc. (The average is 0.23 franc per man per day.)

Monday—Morning: Bread, 1 kilo; coffee, without sugar, 25 centiliters; milk, 60 centiliters; butter, 35 grams; eggs, 2. Evening: One portion of cabbage and bacon.

Tuesday—Morning: Bread, 1 kilo; coffee, 25 centiliters; milk, 60 centiliters; Brie cheese, 75 grams. Evening: Veal and carrots.

Wednesday—Morning: The same food and the same quantity as Tuesday, with 2 eggs in addition. Evening: Beef bouillon, 140 grams; vegetables, 35 grams; salt, 3 grams; pepper, 1 gram.

Thursday—Morning: Bread, coffee, milk, as on preceding days, with 52 grams cheese and 130 grams figs. Evening: One portion sausage and potatoes.

Friday—Morning: The same quantities of bread, of coffee, and milk as the other days; butter, 35 grams; sardines, 3. Evening: A ration of macaroni of 213 grams, including fats, salt, pepper, and cheese; a ration of codfish or of salt mackerel of 240 grams, including onions, oil, and vinegar.

Saturday—Morning: The same food and same quantities as Tuesday, with an addition of 300 grams of salt and 30 grams of pepper. Evening: Bologne sausages, 120 grams.

Sunday—Morning: The same food and quantities as Thursday, with this exception, that the 130 grams of figs are replaced by 100 grams of marmalade. Evening: Mutton and beans.

There is given once or twice per week in the summer and autumn 260 grams of green salad, including seasoning. Exceptionally the convicts who behave well and who accomplish work above their required task may procure, at their own expense, some wine in the ratio of 25 centiliters per man per day.

(*c*) **Regulations for the sick.**—The infirmary is composed of three medical halls, three surgical halls, eight chambers of isolation for the sick affected by contagious diseases, an office for the physician, a hall for dressing wounds, a pharmacy, a laboratory and adjoining it a bathroom, a kitchen, a room for guards of the service. Generally, owing to the small number of the sick, only one hall for medical treatment and one for surgery are occupied. The sick have at their disposition for their promenade during the summer a special court situated between the two wings of the building, and during the winter a gallery covered and warmed. A physician and an apothecary from outside are connected with the establishment. The visits to the sick occur every morning. The medicines prescribed by the physician are prepared each day by the apothecary and distributed by him.

Food for the sick.—*Sick with a meat diet.*—Entire ration: Per day, two soups of 4 deciliters of bouillon each, with 50 grams of bread, one in the forenoon, one in the evening; white bread, 500 grams; beef cooked and bones removed, 200 grams; 4 deciliters of wine with a quantity of water added as prescribed by the physician. Three-quarters ration: Two soups, one in the morning, one in the evening, of 3 deciliters of bouillon each, with 40 grams of bread; bread, 450 grams; beef cooked and without bones, 130 grams; wine, 3 deciliters. Half ration: Two soups, one in the morning, one in the evening, of 2 deciliters of bouillon each, with 30 grams of bread; bread, 400 grams; beef cooked and unboned, 100 grams; wine, 2 deciliters. Quarter ration: Same soup as the half ration; bread, 250 grams; beef cooked and unboned, 60 grams; wine, 2 deciliters.

Patients on bouillon diet.—The number of bouillons being prescribed by the physician; each bouillon is of 2 deciliters.

Patients on a slender diet.—The thin soup is distributed morning and evening in the same proportions as the meat soups, according as the patients have the entire ration, the three-fourths, the one-half, or the one-fourth ration. The composition for 1 liter of weak bouillon is: Eighteen grams of butter, 85 grams of fresh vegetables, salt and pepper as necessary. There is, as for the rest, distributed morning and evening, at the same time as the soup, a ration of fresh or dry vegetables in the same proportions as the bouillon. The entire ration is prepared with 120 grams of dry vegetables mashed, or 250 grams of fresh vegetables or potatoes, plus 10 grams of sorrel, and 15 grams of butter. The three-fourths rations include 90 grams of dry vegetables mashed, or 187½ grams of fresh vegetables or potatoes, plus 7 grams 5 decigrams of sorrel, and 22 grams 5 decigrams of butter. The one-half ration is composed of 60 grams of dry vegetables mashed, or 175 grams of fresh vegetables or potatoes, 5 grams of sorrel, 15 grams of butter. The one-fourth ration is prepared with 30 grams of dry vegetables mashed, or 87 grams 5 decigrams of fresh vegetables or potatoes, 2 grams 5 decigrams of sorrel, 7 grams 5 decigrams of butter. The patients on a light diet have the same quantity of wine as the patients on a meat diet. The vegetables are replaced by eggs in the following proportions: The entire ration, nothing; three-fourths ration, 3 eggs, 2 in the morning, 1 in the evening; one-half ration, 2 eggs; one-fourth ration, 2 eggs. In the preparation of fried eggs there enter 8 grams of butter per egg, and in omelets 10 grams per egg. Vegetables and eggs are replaced by prunes in the following proportions: Entire ration and three-fourths ration, nothing; one-half ration, 250 grams of prunes weighed dry, half morning and evening; one-fourth ration, 125 grams.

Patients on milk diet.—The patients on milk diet receive the quantity of milk prescribed by the physician. In addition to the regular diet detailed above the physician may prescribe a special diet by the introduction of foods other than indicated above on condition that the value of the articles prescribed does not exceed that of the diet of the infirmary.

All the patients are cared for in the infirmary of the establishment. In no case are they sent to the hospitals. In case of a surgical operation which involves danger of loss of limb or life the physician is assisted by a surgeon from the city. The autopsies are made upon the cadaver in case of sudden death, accident, or suicide, and in general whenever there is a scientific interest by reason of the epidemic or endemic nature of the disease, or for any other reason. The insane or epileptic convicts are the subject of a medical report which is addressed by the director to the minister of the interior, by the regular course, on an order for transfer. When a transfer is authorized they are sent to an asylum for the insane at Gaillon, where they have the benefit of a special treatment which carries with it a milder régime than that of the central house. The time passed by the insane or epileptics at the asylum at Gaillon counts on the term of the penalty.

(*d*) **Clothing, underclothing, bedding at cost of state.**—The clothing includes the articles composing the penal costume of the convicts: Jackets of wool, changed twice a year; trousers; waistcoats; caps; socks, every fifteen days in winter; socks of yarn and cotton in summer; suspenders; wooden shoes, every three months; stockings of wool for the sick, as required; hoods for the sick. Under clothing: Shirts, each week; pocket handkerchiefs of cotton; hand towels of linen; drawers of cotton; cravats; headbands.

The bedding.—Bedding for the sick: Iron bedsteads of the infirmary, 1.95 meters long and 0.85 meter wide; straw mattress, filled with 20 kilos of straw (the straw is renewed twice a year, and regularly after every death); mattress of the infirmary composed of 7.330 kilos of wool and 3.670 kilos of horsehair (beaten up twice a year); cylindrical bolsters of 1.400 kilos of wool and 700 grams of horsehair (beaten up twice a year); feather pillows weighing 2 kilos; bed clothing of the infirmary, 3.20 meters long and 2 meters wide (changed every fifteen days); covers of wool, 2.60 meters long, 1.30 meters wide (changed once a year); covers of cotton, 2.60 meters long, 1.30 meters wide (changed once a year). Bedding for the sound men: Bedsteads of iron for the sound men, 1.95 meter long, 0.70 meter wide; rush mats, 1.95 meters long and 0.70 meter wide; mattresses for the sound, 6 kilos of wool (beaten up once a year); cylindrical bolsters, 2 kilos of wool (beaten up once a year); bedclothing for the sound, 2.50 meters long, 1.20 meters wide (changed each month); covers of wool (changed once a year); covers of cotton (changed once a year). The beds are scalded and cleaned each year in spring. The mattresses and bolsters of the infirmary are beaten up more often when required in urgent cases. The linen clothes of the mattresses and bolsters of the infirmary and of the sound men are bleached and repaired each time that the mattresses and bolsters are beaten.

The wearing of a penal costume is obligatory on all convicts. The prisoners may procure at the canteen, at their own expense, clothing and additional articles as follows in detail: Waistcoats of wool, cotton, or flannel; stockings of wool or cotton; socks of twist; belts of flannel; brushes; soap, etc.

Organization of work.—Labor is employed both on state account and on contract. The industries on state account are the following:

(1) *Printing.*—The printing department furnishes printed materials and the necessary records for the penitentiary services and other services of the ministry of the interior, the minister of the colonies, and the ministry of public instruction, and for the Société Générale des Prisons and certain societies for aiding prisoners.

(2) *Tailors.*—The workshop for making clothing provides for the clothing of the officials of prisons and public colonies for young prisoners, for the servants of the bureau of the ministers of justice and of the interior, and of the national printing establishment.

(3) *Shoemaking.*—The shoemaking shop provides shoes for the employees of the national printing establishment at Paris and for the convicts in certain penitentiary establishments.

(4) *Brush making.*—The workshop for brush making provides for the needs of penitentiary establishments and for certain branches of the service of the ministers of justice and of the interior.

Labor on state account includes exclusively the making of articles destined for the service of the state or for services subsidized by the state (as Société des Prisons, sociétés de patronage). The central house at Melun does not sell outside to the trade nor to individuals.

(5) Works of building and furniture for the prisons are executed on state account by the convicts.

(6) *General services.*—It is the same with the laundry, repair of linen, bakery, kitchens, infirmary, cleansing, and transportation within the establishment.

The industries on contract are the following: Stamping of metals, bands for agriculture, basket work (large), cabinetwork (small), wool weaving, watchmaking, matches, and benches in rough.

Nomenclature of industries.

ON STATE ACCOUNT (EN RÉGIE).

Nomenclature.	Number of convicts per industry.	Average wages per day.
		Francs.
Printing	134	1.93
Tailoring	77	1.79
Brush making	11	1.41
Shoemaking	3	2.24
Building and furniture	3	1.51
General services	37	1.54
Total	265	....

ON CONTRACT (EN ENTERPRISE).

Stamping of metals	104	1.78
Bands for agriculture (for aged and infirm)	31	.56
Metal weaving	24	1.67
Basket work	66	1.78
Cabinetwork	17	1.73
Wool weaving	22	1.68
Watchmaking	1	2.70
Kindling	7	1.77
Roughing benches (apprentices)	11	.50
Total	277	....

Total of convicts employed in the various workshops December 31, 1894, 542.

Operation of the workshops.—The different workshops are installed in large rooms, where the work takes place in common, under the rule of silence. Communications between the convicts and the guards and foremen take place always in a low voice. The same is true of communications necessitated by the demands of work between the chief workmen convicts, the workingmen, and apprentices. In regard to discipline, the supervision of the workshop is done by a guard; the same room may have sometimes two small workshops under the surveillance of the same guard. Above the number of 50 convicts the surveillance is by two guards.

In regard to industry, each workshop is directed by a free foreman. The free foremen (workshops on state account) are directly dependent on the steward (économe), who alone is responsible for materials.

The free foremen (workshops on contract) depend on the managers (contractors) in all relating to the care and transformation of materials. They are subject to the disciplinary rules of the establishment, and can be excluded from the house by the prefect on report of the director.

Both are admitted only on proof of clear judicial record and certificates of good conduct. The workshops for brush making and shoemaking, being unimportant, have no foremen. A guard, under the direction of the steward, is charged with watching the workshop and caring for the raw materials.

Classification of prisoners.—Prisoners are classified, as far as possible, according to their professional aptitudes, by the inspector, on the suggestion of the steward or by the contractor. This classification is approved, with or without modifications, by the director. The changes in the workshop may be occasioned by reasons of health, on the advice of the physician, or by the requirements of the industry, or by the educational (professional) interest of the prisoners, and heeding, so far as may be done, the desires which they express.

Apprenticeship.—The apprenticeship is as short as possible; it includes several periods and varies from eight days to three months, with the power of discretion in the local administration to reduce it or prolong it, according to the disposition of the workmen. There is no apprenticeship if the workman knows the work assigned to him. The apprentice is paid 0.30 francs to 0.80 francs, according to the period and the industry. The master of the apprentice paid by the piece is responsible for the defects of his apprentices; but he profits by the work produced by them in excess of the sum which they receive. Another method of apprenticeship is to pay the master of the apprentice and the apprentices by the day, both being responsible for the defects in their task. In this case the state or the contractor profits by all the product of their labor.

Daily task required.—All prisoners, without exception, are held to accomplish a daily task. This task is proposed by the foreman, controlled by the inspector, and approved by the director. It should be, as far as possible, proportioned to the strength and professional capacities of the workmen. The tasks once established ought to be, save in cases of sickness submitted to the physician, completely accomplished. They are often verified by the inspector, who refers to the tribunal of disciplinary justice every individual whose work book shows a deficit equal to or more than the average daily wages of the industry to which he belongs. The deficit in the task, when it is not habitual, is punished with a fine; the workman pays to the treasury the amount lost by the inadequacy of the task. In case of an oft-repeated deficit the fine as punishment is still used, but the penalty is increased generally by the discipline room. (See above, Punishments.) Work accomplished beyond the task imposed is paid according to the same rates as work included in the task, but the workman finds himself recompensed as follows:

(1) Authorization to increase outlay at the canteen, and to procure especially 25 centiliters of wine, if in all respects his conduct is irreproachable.

(2) After three months of exceeding the daily task he is transferred to the list of the first workmen, and as such receives a distinctive mark and is authorized to wear shoes, at his own cost, instead of wooden shoes.

(3) Special notes indorsed on the record of the active workers in view of employment by the chief workman of the shop and in view of pardon or of conditional liberation. Beyond this the workmen whose work is sustained are able to obtain, after six months of residence and good conduct, one-tenth of the part which falls to them in the products of labor.

Defects, intentional and accidental.—Defects not imputable to the evil will of the prisoner call for an indemnity in favor of the party injured. This indemnity may not be equivalent to the damage caused, and the director, on the advice of the inspector, may fix an abatement. It can not be more than the total product of five days of work. The sum of the defects imputable to the vicious will of the prisoners, on the contrary, is entirely reimbursed from the disposable fund of the author of the damage without regard to disciplinary punishments or judicial prosecution. The derelictions of every kind are subject to the same rules as the defects.

Free foremen of the shops (see above on the operation of the shops).—The free foremen of the shops (state account) are named by the minister of the interior, on the suggestion of the director and the advice of the prefect. They are paid by the state. They have no claim on a retiring pension. They hold, under the authority of the steward, an auxiliary account of materials, are occupied with their transformation, and furnish to the steward and to the director all the elements of the wholesale price of the products made. They supervise the industrial materials of their shop and propose all measures proper for keeping it in a good state of repair. The same holds good of the places occupied by the shop which they direct. They assign, under the authority of the inspector, the places which the workmen are to occupy in their shops, as well as the work which is to be given them. They supervise the apprentices and give to the workmen the technical explanations which may be necessary for them. They have no disciplinary power and restrict themselves to indicating in writing in a book of reports all the incidents of their service. These books are placed under the eyes of the steward, the inspector, and of the director, who decides what is right. The free foremen of the shops on the contract plan are paid by the contractors. Their duties are the same as those of the free foremen in the shops on state account. They have no disciplinary power in the proper sense, and keep a register of reports, where they set down the facts which are of interest to their shop.

Classes of labor.—Labor is strictly obligatory for all convicts of the central house of Melun, which ordinarily includes only one class of prisoners—those condemned to reclusion, a penalty whose duration varies from five to ten years and which may be exceptionally extended to twenty years and even to perpetuity for individuals whose penalty has been commuted or much softened, as happens for sexagenarians.

The contractors pay to the state all the product of labor (wages of prisoners). The state in turn pays back the quota which falls to the prisoners. All prisoners, under the ordinance of December 27, 1843, have right to wages. The quota which returns to the convicts varies from one-tenth to four-tenths of the products of labor (sum of wages paid by the contractors).

To fix this quota account is made (1) of the nature and duration of the penalty; (2) the judicial record of the convict; (3) of his conduct in prison. Those condemned to seclusion obtain four-tenths of the wages allowed if they have not previously incurred a sentence above one year of imprisonment. They lose, on the other hand, one-tenth for every previous sentence above one year and two-tenths if said penalty is a condemnation to fund labor. At the same time the quota may not be in any case lower than one-tenth. The convicts whose conduct is good and the work steady may for recompense obtain one-tenth or two-tenths as supplement if they had been classed on arrival for one-tenth, and one-tenth only if they belonged to the classes of two-tenths, three-tenths, or four-tenths.

Fund (pécule) of convicts.—The average amount of the remainder of the fund is: Three years of detention, 250 francs; four years, 350 francs; 5 years, 450 francs.

Formation and administration of the fund.—The fund of the convicts is composed of sums which are credited them on the product of their work, or of what they brought with them at their admission, or which during their detention has come into their possession or been sent to them for any reason whatever. It is divided into two parts, the disposable and the reserve fund. The quota which is due the convicts from the product of labor is divided into two parts—half to the disposable fund, half to the reserve fund. The disposable fund includes in general the sums brought or received by the convicts and the gratuities. The head accountant is charged with keeping account of the fund.

A work book is given to every convict to write down (1) the tools which are given him; (2) the raw materials used in the work; (3) the prices to be paid according to the rates arranged by the minister of the interior; (4) the amount of wages due him monthly. A book of the fund is started in the name of each convict on his arrival. The receipts and expenses are written up monthly. This book is sent to the convict each month that he may know its contents.

Average wages.—The average wages of convicts has been, in 1892, 1.78 francs by day of work and 1.34 francs by day of detention. The part for the State has been 0.76 franc by day of detention. Three convicts received two-tenths of the product of their labor, 34 received three-tenths, 641 received four-tenths, and 7 received five-tenths.

Disposable fund.—Nature and average of personal expenses by day of detention in 1892: Bread and other food, 0.238 franc; additional clothing, utensils, 0.048 franc; letter postage and small items, 0.006 franc; average outlay, 0.29 franc.

Reserved fund.—The convicts may, during their detention, be authorized by the minister of the interior to make drafts on their reserve fund to pay, altogether or in part, their costs of justice; to send, upon certificate of indigence, help to their families; to pay a debt, or to make restitution. The remainder of the disposable fund is claimed at liberation to pay expenses of justice. The reserved fund belongs to the discharged prisoner; he meets the expenses of clothing and travel out of this fund. The remainder of the reserved fund is sent by postal order to the selected place of residence. Only pardoned and conditionally liberated men can receive this fund at their exit. Convicts who have solicited and obtained assistance deposit voluntarily their reserve fund with the societies of patronage, in the form of a savings-bank book. Outside of such aid no special measure is taken to prevent the convicts wasting their fund, unless it is that they may not use it except at their chosen residence.

Protectorate (patronage).—The central house is situated in the city of Melun, the seat of a society of aid and assistance by work. One can say without exaggeration that assistance is not wanting to the discharged men. The society of patronage at Melun assist each year more than 1,200 unhappy travelers, mendicants, vagabonds, with or without previous criminal records; but the discharged men of the central house rarely appeal to their benevolent intervention. This is due to several causes, and especially to the character of the population. The house contains practically an annual average of 149 liberated men:

Discharged definitely	59
Discharged conditionally	68
Pardoned	6
Liberated aliens expelled at the frontier	16
Total	149

In quite a large number of cases the society of patronage, by the intermediation of the director and chaplains of different confessions, has intervened to secure or hasten the reconciliation of convicts with their families or former employers. This system succeeds generally with the conditionally released men. The society of patronage also concerns itself for the families of the convicts, and has made advances to them of 903 francs, which has been repaid entirely out of the fund of the convicts during their detention. The 59 convicts discharged without conditions, who figure in the table above, have not appealed for aid, although most of them are without employment on their liberation. This is due to the fact, we believe, that their fund is large enough to lead them to hope to provide themselves with work, and above all from the desire to withdraw themselves from all control. The larger part of these individuals are hardened recidivists who give little hope of their returning to good conduct. A good means of rendering them service would be not to give them their fund except in monthly installments of 50 francs.

So far as aliens expelled are concerned, the national assistance is not for their use. Some attempts have been made to secure for them international aid, but no one has accepted it. There is reason to believe that the remainder of their fund is sufficient, in their eyes, to permit them to hope to provide themselves with work.

JUVENILE OFFENDERS.

These regulations were adopted by the minister of the interior on the advice of an extra parliamentary commission composed of senators and deputies (among them those who had been, in recent years, reporters on the prison budget), of magistrates, of administrative officials, and of persons who had studied carefully questions relating to juvenile offenders.

This same commission has formulated the following views, which will be very attentively considered by the higher administration:

"At least three types of establishments should be maintained: The reform school, the penitentiary colony, the correctional colony. In the first instance certain categories of children may be placed in the reform schools. A department for observation should be annexed to each penitentiary colony, and children above 12 years should at first be sent there.

"The penitentiary colonies created by the law of 1850 should receive the title of houses of penitentiary education. The commission expresses the opinion that an understanding should be established between the minister of the interior and the minister of justice, so that when a child goes from the hands of justice he shall be accompanied with a 'notice' giving detailed information about the physical and moral state of the child, on his antecedents, and as much as possible those of his parents.

"Establishments should be maintained for children under 12 years in schools of reform of the present type. The system here should be different. * * * Special schools or departments should be provided where the methods of reform schools may be carried out, and where, as a reward, children who have been very well behaved in houses of penitentiary education may be admitted. In every house of penitentiary education the young prisoner should be placed under observation for a certain time after his arrival. This observation shall be so conducted that all contact with recent arrivals and the population of the establishment shall be prevented. The sleeping rooms should be so arranged as to secure isolation during the night."

The law of 1850, in establishing penitentiary and correctional colonies, did not impose any programme. It did not confine the administration to fixed and immutable rules by specifying what these establishments should be in relation to material organization and composition of the population. The administration also has been able to determine step by step the arrangement of colonies, and to establish divisions even in the categories fixed by the law. One can not pass over in silence the improvements which have been introduced into all the services relating to wayward children, especially during recent years. The administration has endeavored to make predominant in the establishments of correctional education the idea of protection and moral reform rather than of repression. It is with this purpose that the employees of the colonies have been chosen chiefly for their ability in teaching. The number of teachers has been trebled in recent years, and, aside from the steward and his assistant, the bookkeeper and all the employees of the administrative service are teachers placed under the orders of the director. It is a reform whose results are notable. Before 1876 the penitentiary colony included children of all ages. Those under 12 years formed a special section called the "Petit-Quartier," supervised by the Sisters of Prisons. This thought of isolating the little ones was good, but frequently the conditions of common life brought them in contact with the older pupils. The administration became aware of this fact and authorized the creation, at St. Eloi, near Limoges, of a special house, to which it gave the name of "School of Reform." Only children under 12 years were placed there. In 1877 this example was followed by Sisters of Providence at Ribeauvillé, who were authorized to create a second "School of Reform" for the same class of children at Frasne-le-Château (Hte-Saône). These three colonies are private establishments. The same thought inspired the organization by the State of the reform school of St. Hilaire (Vienne).

According to the last statistics of 1897, the population of the penitentiary establishments for young prisoners on December 31 was as follows:

Public establishments	boys	2,361
Private establishments	do	2,337
Private establishments	girls	1,016

These minors were distributed in the different houses whose names are found on the succeeding papers.

We believe we should describe as completely as possible some of these establishments, by reason of the peculiar characteristics which they present, whether they constitute special types of penitentiary colonies, or whether they include special sections and differ in their entirety in respect to organization, the nature of work required of the pupils, and even, in a certain degree, in discipline.

PUBLIC ESTABLISHMENTS.

Reform School of St. Hilaire (Vienne).—In 1894 one of the eminent reporters of the penitentiary budget expressed himself thus on the subject of reform schools: "The penitentiary administration has understood that there was in the law an imperfection which is to be regretted, and it has endeavored to supply the want in practice by a happy classification, and by the formation of separate houses for the class of children most deserving of pity, least corrupted, and more accessible to good influences and improvement." It pays honor to the lady directors of reform schools, and says: "There has also been founded a laic and public establishment of the same kind by the gradual transformation of the colony of St. Hilaire (Vienne). This establishment, which includes three farms distant from each other, seemed to offer the best conditions for the organization of a reform school. At the same time the difficulties encountered being great, we have proceeded with prudent caution. From the beginning in 1891 the farm of Chanteloup was exclusively devoted to children under 12 years. Provisions were made to prevent contact with pupils of other farms. A teacher and some women or daughters of employees were charged with supervision and moral education. On February 2, 1891, the reform school counted 62 pupils; on August 1 of the following year the population had reached the number of 109. The results were excellent. All the children, with few exceptions, showed themselves industrious and docile, and the administration was thus encouraged to extend the reform school. It decided that the two other farms of Bellevue and Boulard should be gradually left free from the young prisoners of greater age and that in future the colony of St. Hilaire should be exclusively recruited among young prisoners of less than 12 years. These are the wise measures of preservation on which the administration has a right to be felicitated.'' Encouraged by the results, the administration has, after complete transfer of larger boys, transformed the penitentiary colony of St. Hilaire into a school of reform.

Three distinct branches were established: (1) The farm of Chanteloup, which receives the children as they come from without; (2) the farm of Bellevue, to which pass the children of Chanteloup when, by reason of the degree of their primary instruction, of their physical development, and age, it is no longer possible to keep them there; (3) the farm of Boulard, which receives the youth from Bellevue when they are already large, strong, instructed, and able to do heavy fieldwork and shopwork.

At Chanteloup the corps of teachers and supervisors includes 1 head teacher (a woman), 2 ordinary women teachers, 1 head supervisor, 5 ordinary supervisors, 3 supervisors for outside service, and 1 special priest.

The physician of Boulard visits the farm every day. The officers are appointed by the minister and are placed under the authority of the director of the school, who is at the farm of Boulard. The head woman teacher reports only to the director. The service is divided into two parts: (1) The interior and (2) the exterior service. The interior service is cared for by the head woman teacher, the ordinary women teachers, and the head and ordinary supervisors. The three women teachers are for the service of instruction for all the population, which varies between 100 and 110 pupils. These are divided into three courses, each of at least two divisions. The programmes are those of the primary schools. The division of matter is the same as in public instruction. There is a course in vocal music and the children have practice in singing. They are heard in certain ceremonies, during the exercises at the promenade, and at mass. Outside of the class the women teachers cooperate with the supervisors in all the services and movements of the day. They take the place of the mother in all things, and the child is happy on returning from the outside labor to find a sort of family hearth. The supervisors are chosen from among the widows of guards. Almost all are mothers of families, having known the unhappiness and struggles of life, and bring the most precious assistance to the moral reform of the little unfortunates.

The farm, situated on a plateau, is surrounded by woods; the air is very pure and salubrious. The buildings are very well furnished; everywhere verdure and flowers; all is smiling and gay. A park of 7 hectares surrounds the house; a garden cultivated by the children furnishes the vegetables for the young population and for the employees.

The external service is cared for by two supervisors, who keep the cattle and attend to the teams. They make the rounds to assure security, are busy with instructions in gymnastics, accompany the promenaders on Sunday, and direct the horticultural and agricultural works.

The population of little children is divided into three brigades. The first is charged with the care of the park; the second with the garden and flowers; the third is directed by the person who is in charge of cultivation, this being the largest. Some children, the smallest, are busy with the service of cleanliness, the kitchen, etc.

Farm of Chanteloup—The disciplinary system is suited to the class of children under 12 at this farm: Standing erect, lowering the grade, erasure from the tablet of honor, isolation by day in a special chamber, and where there is rebellion a chamber called "cabinet de reflexion." Children placed in isolation receive the ordinary diet and rest in a sleeping room. Aside from the isolation all the other punishments are ordered by the head teacher, with the obligation to report daily to the director.

Rewards granted by the director are: First, inscription on the tablet of honor; second, additional food; third, playthings and dainties. Rewards granted by the head teacher: Good marks which pay a punishment or procure playthings; confidential employments; grades, chevrons, badges, cross, and insignia.

Rewards of honor granted each trimester are: First, the flag of honor to the section which has had the fewest punishments in the trimester; second, the blue ribbon, the red, the green, or tricolor, with a cross, as reward for work, either at school or in shops. The most meritorious is named the banner bearer. The corporals and sergeants receive chevrons, badges, as well as the drummers and trumpeters. Outside of these rewards, there are some more desired, perhaps, because they are rare and coveted elsewhere.

First of all, the Christmas tree, decorated with toys and bonbons. The ceremony is presided over by the director, assisted by the employees. Then on the 1st of

January there is a distribution of bonbons. At Easter colored eggs. On July 14 sports of all kinds and artificial fire. The picnic in the woods. And on the day of the festival of the region, wooden horses, circus, etc. This day is one of the best, and forms the subject of conversation for many a day. Often the children arrive sickly, mean, scrofulous. After a month of living at Chanteloup one can no longer recognize them.

The task which falls to the teachers is painful; but the counsels, the advice, the affection are effective with many children, because they are so young and the evil has not yet taken deep root in them. The impressions received at Chanteloup are not effaced when the children have gone away. They remain submissive, industrious, affectionate, thankful in relation to their masters and supervisors.

Farm at Bellevue.—This farm receives the children of Chanteloup who are between 12 and 13 years of age. The hours of class instruction are less numerous. The manual work becomes more serious and more regular. A teacher (head of the detachment) resides on this farm. He is placed under the authority of the director, to whom he renders a daily report of all that occurs. The children are under the surveillance and direction of foremen, and no longer of women. The work is agricultural. Many children are occupied with the sheep and with poultry. In case of very bad conduct the culprit is taken to the farm of Boulard, which is 2 kilometers distant. The farm has an extent of 71 hectares, and the dormitories contain 76 separate chambers. The head teacher visits Bellevue each day. The director also appears there from time to time.

The punishments are fixed by the director, with the exception of being made to stand in a corner and the deprivation of recreations, which are inflicted by the teacher, head of the detachment.

Farm of Boulard.—It is at this farm that the administrative and economic services of the reform school are centralized. The director, the administrative and teaching officers reside there. The extent of the cultivated lands is 138 hectares. The children are sent to Boulard from Bellevue when they reach the age of 15 years. They remain there until their departure, whether by provisional liberation or definite release. Two large dormitories contain 284 individual chambers.

The refectory is large and well ventilated. One may see in the center a commemorative tablet bearing the names of former pupils who died for their country. On the sides the tablet of honor and the list of children who have obtained a certificate for primary studies. At the end there is a theater, where, during the winter, comedies are played. There is singing and recitations. The young prisoners find great pleasure in these things.

The buildings are well furnished. The carriage houses, stables, and swine sties are well arranged. The infirmary has two large separate halls, with three chambers of isolation, a rest hall with covered promenade, court and garden, a kitchen, a pharmacy, a bath room, and a chamber for the infirmary supervisor. The supervisor is aided by his wife, who has the title of wardrobe keeper for the infirmary.

The hydrotherapeutic apparatus is in another place. Shower baths are given to all children, two each week in summer and one in winter. A school hall serves for chapel. The chaplain reads the service every Sunday.

Classes are held every day, on the average three hours. They are directed by the head teacher, the teachers, and supervising monitors. The classes are suspended during the heavy agricultural labors.

Instrumental music is taught at Boulard by the supervising foreman of music. This instruction is not permitted to interfere with apprenticeship to a manual trade.

At this farm the agricultural and industrial workmen are trained. The workshops are so organized as to meet the needs of the establishment and to provide for the agricultural works and the repairs on the buildings. These workshops are for blacksmiths, farriers, edge-tool makers, wheelwrights, carpenters, masons, painters, shoemakers, and bakers.

At Boulard the disciplinary system is that of a colony of penitentiary education. The rewards come under the same principle. It is in the contingent at Boulard that the director chooses subjects for placing with individuals. These set a high value on the pupils. The director is able to find evidence in the pupils at Boulard of the happy effects of the education which they have received at Chanteloup.

Public colony of education, penitentiary, agricultural, and maritime, at Belleisle-en-Mer (Morbihan.)—In addition to agricultural works, that which gives a distinct place to this establishment is the apprenticeship of a part of the pupils to the rude labors of the sea on the schooner *Sirena.* The maritime section ordinarily includes 90 to 100 children taken from the agricultural section of the colony, to fill, so far as needed, the vacancies caused by release and enlistments in the service of the navy. The maritime section is provided with a corps of instructors and nautical appliances of instruction such as are requisite to give theoretical and professional training and satisfy the demands of the service.

Personnel of instruction.—Includes: (1) An officer of the commercial marine, chief of the service; a former captain, with long experience. He is charged with all the details of technical instruction of the pupils under the immediate authority of the director of the colony, from whom he receives instructions and to whom he renders a daily report. He directs the lessons and the practical exercises of the marines and sees that the teachers perform their duties exactly. He presides over the exercises of the small sail vessels in the roadstead of Belleisle; busies himself with various professional works, controls the good order, discipline, and conduct of the boys; supervises the workshop of the ropewalk for which he is responsible, and keeps the registers of the school.

(2) An experienced captain of the coasting trade, having the rank of first supervisor, who assists his chief and supplies his place in case of absence or hindrance. He gives orders to supervisors, directs the sailing exercises and maneuvers on board a fixed boat, and commands the rowing boats on the sea. He keeps a ship journal in which are set down the striking events of the day. At night he assists in supervising the dormitories and receives the orders of the head supervisor of the colony in respect to all except maritime affairs.

(3) Four marine supervisors, all former sailors brevetted for service—these are charged with the details of practical instruction, under the direction of the chief or captain, or his second. They impart to the recruits the primary elements of the maritime profession, show them how to work, and, as their instruction progresses, initiate them into the various professional labors. They command the small vessels as patrons, give lessons to the pupils in swimming with the oar and scull, follow them in all the practice exercises, and watch over discipline. They assist also in supervising the dormitories and the proper activities of the colony.

(4) A supervising foreman of the ropewalk directs the workshop of rope making under the special surveillance of the captain. He teaches them to card, spin, place hemp in position, and with their aid execute all the orders for ropes.

The various workshops—The fixed boat—The floating material—The fishing material.—The special workshops have been erected to render more profitable the practical instruction of pupils and to divide the works and the lessons, so as to avoid the occasions of dissipation often produced by too great a congestion of pupils in the same place. They are four in number—the school of seamanship and steering, of sails and cordage, the workshop of rigging, and of rope making. All are provided with tools, instruments and materials necessary for their processes.

The school of seamanship and of steering, where the pupils receive their first notions of the marine calling, is a great hall which can receive and occupy the entire population when the outside occupations are not practicable on account of bad weather. The appliances for small boats of the colony are thus arranged in good order, as well as the practice guns and all articles of professional instruction, such as marine charts, tables of the national flags and signals, compass, instructions relating to coast buoys and the naval lights, books, manuals, naval model, etc. The school of seamanship serves as a hall of honor. There the marine foreman, aided by selected monitors, teaches the recruits to know the different parts of a hull, masts, various ropes. Then they learn to make knots, plats, thongs, splices, anchorages, etc., in use among sailors, and then is explained the magnet and compass. Then they learn to hold to a sail's yard, to draw a sail, and become familiar, in a word, with the first elements and movements of the trade before being admitted to the exercises of the fixed boat.

The workshop for sails and cordage is installed in the school of seamanship so that surveillance may be made easy. Having received adequate notions of sailmaking, the pupils who come on board the ships of the navy, or commercial fleets, are able to make themselves much more useful since the sailors became more rare by reason of the transformation of sailing vessels to steam ships. Twenty pupils taken at the time of enlistment or of approaching release, are admitted to this workshop; but their comrades enter then in their turn as vacancies are caused by departures. They learn to make and repair cords, to sow and repair a sail. They are instructed in all ordinary operations, and a good number of them, when they have regained freedom, can find a livelihood by reason of this apprenticeship to the trade of sailmaking.

The workshop of rigging, directed by a special marine supervisor, serves, as the name indicates, for instruction in the different works of making, maintaining, and repairs of the rigging of ships. There the pupils derive profit from the lessons received in the school of seamanship, and perfect their instruction. They learn to worm, press, strap the pullies, to make the anchorages in use at sea, as well as other acts necessary in real seaman life. They repair the rigging of the fixed ship, which is stored below in winter, and place it in position, which constitutes the best of all lessons for them. The pupils, before enlistment are then subjected to an examination, for it is important that they be in a position, when they present themselves to the division of Lorient, to pass a similar examination for admission to the school of topmen at Brest.

The workshop of cordage is furnished with its wheels, turns, bridges, and other machines of the trade; in the loft of one part of the establishment, having a length of about 100 meters, the hemp is received in the raw condition, so that the apprentice may pass through the different steps of the trade of ropemaker, and to render the manufactures of the workshop more advantageous to the State. Thanks to the efforts of a competent foreman the cordage delivered to the penitentiary administration does not fear comparison with that of private industry. A second ropewalk in open air, organized in 1894, permits the manufacture of thick and long ropes.

The fixed ship, 25 meters in length, constructed in the great court, with masts, riggings, and sails, with their masts, serves to train the pupils in sail exercises and maneuvers.

Divided into sections as on the vessels of the State, they learn to extend and draw in sails, to take a reef, to unrig the topgallant sail, to climb the higher masts, to lower the sail yards, and at need to entirely unrig and dismast the ship with means on board, and to replace all. They are made to execute all the various maneuvers which sailing ships make in the roadstead and at sea, getting under sail, anchoring, tacking, bringing to, diminution of sail according to increase of wind, putting about. Although they merely go through the appearance of these maneuvers, their imagination and intelligence, aided by the explanations of the teachers, supply without difficulty that which the immobility of the ship does not permit to do in reality. As to the rest, during the courses they go out daily on the sea, in the small boats of the colony. They frequently have the desirable opportunities of seeing the maneuvers executed by sailing vessels.

The floating material devoted to the instruction of the pupils is composed of five boats constructed at Nantes and at Palais. Four boats are employed for exercises at sea, with oars and sail, and fishing in the roadstead; two are especially used for sardine fishing, the one of 8 and the other of 9 meters, each manned by eight pupils and a marine supervisor, and swimming practice, with the scull. The fishing equipment is important and would occasion considerable expense to the administration if it were not in great part made by the pupils. Without speaking of the fishing lines and various implements, rings, buoys necessary for the management of nets, it includes, 14 nets for sardines, 3 for red mullet, 10 for mackerel, a large seine, and 3 large trammels. A supervisor or a special marine guard directs the operations on the sea according to the orders of the captain, chief of the maritime service.

Since 1893 the pupils who embark in small boats are no longer inscribed as maritime; this favor is reserved solely for the crew of the *Sirena*.

The fishing industry, besides permitting the inscription of the pupils on the rolls of the Belle-Isle quarter of marines and thereby their offer for enlistment at the age of 18, furnishes food for the entire population of the establishment which is not to be disdained. In 1899 they caught 4,667 kilograms of various fishes, of which 3,695 kilograms were sardines; of which 80 repasts were given to the pupils.

Information about the schooner Sirena.—On November 8, 1895, the minister authorized the aquisition of the yacht *Sirena*. This schooner is constructed of teak wood and oak; it gauges $25\frac{39}{100}$ tons. Its dimensions are: Length, from before the stem to back of the stern, 23.98 meters; breadth, 4.18 meters; height, under the deck, 2.88 meters. This vessel is comfortably arranged to receive the crew. Before the foremast is a lodging place with direct access to the deck, where are found the berths of the pupils who form the larboard section. These berths of iron, with a bottom of sailcloth, are attached to the sides of the vessel; they are raised up during the day.

This lodging place contains, besides the cabin of a supervisor, the kitchen and the closets in which are kept the bags of the pupils. The part of the ship included between the two masts contains the office, the quarter in which lies the starboard watch, and finally the chamber of the supervisor, who looks after this section.

In the back part are two large chambers comfortably furnished, the one set apart for the captain and the other occupied, in which are kept the dress-parade suits of the pupils. At the extremity of the ship are found the toilet room and the storeroom for sails and cordage.

The crew is composed of: (1) The long-term captain; (2) two marine supervisors, designated as masters; (3) twenty pupils. The captain directs the ship, gives professional instruction and cares for discipline. Each time he goes to sea he advises the director of the hour of his departure and the probable course he will take.

When the ship reenters port he personally informs the director of his arrival and renders an account of the events of the voyage by communicating to him extracts from the journal.

If one of the pupils has committed a grave offense, the captain reports it to the director, who, after hearing the culprit, assigns a penalty. At the same time, the captain is authorized during the voyage, for light offenses, to inflict the following punishments: Dry bread, retrenchment of rations, platoon. These punishments are registered and transcribed at the end of the month in the moral statistics. The pupils in the colony are subject to punishments inflicted for grave offenses.

On Sunday, at 9 o'clock, the captain inspects the crew, the materials, the supply of food, and assures himself that the vessel is in a state of perfect cleanliness. He orders the distribution of an extra ration of wine to pupils who have shown by their deportment, conduct, and work that they deserve it. The director frequently goes on board when the vessel is in port to assure himself that the orders relating to supervision, hygiene, and cleanliness are rigorously observed. He receives complaints, and gives satisfaction to the children if these are well founded.

Supervisors or masters.—At sea each supervisor commands and directs the section intrusted to him. He watches over the good management of the regulation lights, assures himself that every pupil is at his post, observes the recommendations and orders which have been given to him. He sees also that the pupil in charge of the helm follows exactly the route given by the captain.

The master of the quarter informs the captain at once of changes in the force or direction of the wind, and of any event which may give cause for modifying the route.

In port or roadstead the masters perform each a distinct service. The master of the starboard has charge of cleaning the vessel, of the conservation and distribution of the food, of clothing, and of making and repairing the materials for fishing. The master of the larboard is busied with the outside service, which includes the scouring of the deck, the furbishing of the copper ware, the placing of rigging and masts, the proper condition of sails, the surveillance of the supply of cordage, of paints, and the stock of sails.

During the night the masters, in their turn, are required to make frequent rounds, being certain that the kitchen fires are extinguished at the regulation times, that nothing contrary to discipline and good morals occurs in the lodging rooms occupied by the pupils, and that the man on the quarter deck keeps good watch. The captain is informed of the least incident.

Employment of time.—Service on land. From April 1 to October 1 the "shake down" of the morning occurs at 5 o'clock; from October 1 to April 1 at 5.30 o'clock. The pupils dress, beat their bed covers, draw up the hammocks and pile them in the receptacles assigned to this use; they proceed at once to their care of cleansing. These various works should terminate a half hour after rising. Then washing and scouring of the deck.

At 7.30 o'clock the section of the quarter breakfasts; immediately each pupil reports at his post of cleaning. The work of cleaning ended, the pupils report at their posts for maneuver, the topmen to their respective masts, visit the rigging, which they repair if there is need; the other pupils are busy with the sails, the handling of the materials for fishing, etc.

From 11 o'clock to 12:30 the crew dines by sections, the duration of the repast being a half hour. At 1 o'clock the pupils attend to the lesson set for them by the captain, or, in case he is prevented, by one of the masters. These lessons include the theory of maneuvers, the regulations of lights and boarding ship, the different systems of buoys employed on the coast of France, the signals of the international code—indeed, all that pertains to the art of steering. At 3 o'clock the crew takes up its work on deck until 4:30 o'clock, the hour for supper. The section which is not on duty goes to the colony to attend school and sleep in the establishment. The master of the quarter is charged with the daily service; he arranges the turns of the guards, makes the rounds, and makes certain that the boats hoisted on the catheads are well locked; that precautions for the security of the boat are well taken. The "shake down" of evening is at 7 o'clock in winter and 8 o'clock in summer. The pupil charged with cooking is relieved of quarter-deck service.

Service at sea.—As on land, the crew is divided into two sections, each master supervising and directing his section; the watches are four hours long. If the departure from port takes place on an odd day, the starboard watch takes the night duty; it guards from 8 p. m. to midnight, rests from midnight to 4 a. m., and resumes its duty of four hours at 7 a. m., the hour of "shake down" for the entire crew. If the departure takes place on an even day, it is the larboard watch which performs the service as indicated above. From 11 a. m. to 6 p. m., if the weather and state of the sea permits, all the crew is on deck. If otherwise, the pupils who are not on duty descend into the square room, where they study the theory of topmen and steersmen or attend the school.

After supper, at 4 to 5 p. m. for those on watch, the master of the quarter causes the fires to be extinguished, lights the lanterns prescribed by the regulations, and sees that the pupil at the cathead is at his post. Each pupil takes his turn at steering for one hour, and changes places with the pupil at the cathead.

In order to avoid accidents, unhappily so frequent on ships during night maneuvers, the greatest prudence is recommended to the pupils, especially those called to climb the masts or go out to the yard end; it is expressly prohibited to them to sit on the drift rails, the netting, and to lean on the purlins. When the degree of instruction permits it, the captain teaches the pupils to take the high meridian of the sun; in a word, all that is useful to know for the direction of a ship.

Food.—The dietary on board is nearly the same as that of the pupils in the colony, but the meat ration given on Wednesday, Thursday, and Sunday is raised to 150–200 grams. Every child receives every day, after washing the deck, 20 centiliters of coffee and 3 centiliters of rum, and 25 centiliters of wine on Thursday and Sunday. These rations are given to novices and cabin boys of the State marine.

General observations.—There has recently been an acquisition of 23 life savers (Robert system), which in case of ships running foul, or if ships came alongside, would permit waiting for the arrival of succor.

All the pupils must learn to swim; they are good marines, good fishermen. The active life which they lead develops their constitution in an extraordinary fashion. At the moral point of view the results are equally excellent. Punishments are rarely inflicted.

From June 15 to September 30 the schooner fishes for tunny, a pursuit which begins on the Spanish coast, and toward the end of the season is 80 to 100 miles from Belle Isle. These voyages are about eight days in length. From November 1 to April there is fishing for "chalut." The *Serina* is used to transport to L'Orient the pupils who enlist, whether in the army on land or in the navy.

The results obtained since the acquisition of the ship are most satisfactory. The pupils acquire not only the right to be definitely inscribed as sailors, and so have the sure prospect of being promoted at 20 years of age by the marine service, but they also easily find employment in ships of commerce, and make long voyages, and some, the most intelligent and of best record, on the passenger boats of the General Transatlantic Company.

Statistical table of pupils enlisted, placed, and returned to their families (colony of Belle-Ile-en-Mer).

Years.	Army.	Navy.	Merchant marine.	Placed with individuals.	Provisionally liberated.	Total.
1894	15	16	3	11	12	57
1895	11	16	4	2	13	46
1896	13	10	....	18	7	48
1897	11	10	1	23	9	54
1898	4	22	2	22	10	60
1899	7	13	7	30	9	66
Total	61	87	17	106	60	331

Public colony of penitentiary education, agricultural and industrial, at Aniane (Hérault).—In addition to a farm, which shows good results, some industrial workshops are part of this establishment. The workmen of these shops are all chosen among pupils of urban origin, those of the farm among those of rural origin, and also some puny children and workers whose health has suffered from sedentary labor. The results are satisfactory and give proof of the usefulness of this industrial colony which the law of 1850 had not provided, but which was seen to be necessary from unfavorable consequences of the professional instruction. The young Parisians and children of other cities at the time of their liberation returned to the place of their origin without having served an apprenticeship to a trade which could assure them means of existence. The blacksmiths, fitters, turners, and braziers find employment in the crews of fleets and artillery shops. Twenty-eight apprentices have been admitted to enlistment in the corps in 1899. The tailors and shoemakers are also in demand for the army. A large number of workmen have been placed with artisans of the country during the time of their correction and at the moment of their liberation.

Mechanics, blacksmiths, farriers, fitters.—The articles made are: Drilling machines, pumps, portable borers, harrowing machines (scarifiers), plows, wheels, matting hammers, metal catches, keys, screw-drivers, drills, nippers, tongs, purlins, welded iron, rules (iron and steel), compasses, anvils for hammering scythes, tinmen's bellows, purses in wood (iron or wooden screw), wooden vises, circle drawers (tin circles), hands to draw circles, hammers to break stone, matting hammers to cut stone, mountings for metal saws.

Edge-tool makers.—Bills, hedge shears, axes, hatchets, hand knives, pruning hooks, cleaning tools, flaying knives, hooked hoes, masons' axes, spades, hooks, weeding hoe, digging forks, forks for manure or digging, spades, shovels, hoes, mattocks, "bidents" and "tridents" (pitchfork), pickaxes, hammers, masons' trowels, scabbards, roasters, rakes.

Tinmen.—Platters (soldered or clasped), cups, pitchers, jugs, pails, cans, pots, watering pots, funnels, coffee strainers, measures, cruets, small cisterns, basins, foot baths, cheese molds, colanders, skimmers, bathing tubs, carriage lanterns, bottle carriers, drawn handles, tubes, channels (zinc and tinned).

Carpenters.—Tables, bureaus, chairs, cupboards, pasteboard, library cases, buffets, shelves, portmanteaus, benches, footstools.

Wheelwrights.—Winnowing machines, carts, drays, hand carts, figureheads, barrows, ladders, litters, scythe handles.

Coppersmiths.—Saucepans, plates, sieves, casks, pans in tin and copper, funnels, half barrels.

Tailors.—Suits for liberated prisoners placed out or enlisted, velvet suits, work clothes, flannel shirts.

Shoemakers.—Heavy shoes for use of pupils; finer shoes on orders.

The administration does not sell any product. All that goes out of Ariane is for other colonies and penal establishments. The creation of the industrial colony has permitted to give a very complete professional instruction to quite a number of pupils, and to introduce economies into state services in the expenses for machines, instruments, and articles for penal establishments.

PRIVATE ESTABLISHMENTS.

Colony of Mettray, near Tours (Indre-et-Loire).—*Population.*—The colony of Mettray is a private establishment. It receives the young prisoners sentenced under article 66 of the Penal Code, who are confided to it by the penal administration, in accordance with a ministerial order of December 3, 1832, and the law of August 5, 1850, to give them moral and religious instruction as well as primary teaching, to give them a trade, and, above all, to accustom them to agricultural labors. It also receives children sent under paternal correction, in conformity with articles 375 ff. of the Civil Code.

It possesses a special establishment for children of this last class who belong to families in easy circumstances. This establishment, which is called the "Paternal House," is a real college of repression, where the children live in a state of isolation day and night, continue their studies, and prepare for their final examinations.

In the last triennial period the "Paternal House" prepared numerous candidates for this grade. The separation for the first two classes is not complete, but is so for the third. There are cells of isolation and punishment.

In 1899 the average number was:

First class	325
Second class	99
Third class	26

Corps of officers.—The officers are: Director, inspector, bookkeeper, controller, general keeper of stores, treasurer, and general supervisor.

The inspector, who is a teacher, has authority over all the officers, the general supervision of classes, and takes the place of the director when required. The controller has the direction of household affairs and supervises the workshops. The general supervisor is responsible for the operation of the interior regulations of the establishment.

All members of the corps carry, as a distinctive mark and uniform, a cap with three bars. The supervisors, called family chiefs, are charged with a group of children called a "family." They have the supervision of a dormitory in which they lie, of a refectory, of recreations, of the clothing and order of their group, etc.

During the hours of external labors they are employed in offices or in the service of the "Paternal House." As a distinctive mark they wear a cap with two bars. All the heads of shops and other employees wear a cap with one bar.

School instruction.—The children receive at Mettray elementary primary instruction in all points similar to that given in the primary schools. The more intelligent are carried far enough to receive a certificate of studies. The number of children received for these examinations, in 1899, was 11 out of 12 presented. Special instruction as well as some notions of practical designing and accounts are given to children who already have certificates of studies. A course in vocal and instrumental music is organized for pupils who show the necessary aptitude. The colony possesses a library of 2,400 volumes for the use of the pupils.

General examinations are passed twice a year, in December and June, to form tables of merit in school, and palms are allowed to be carried on the sleeves of the coat on Sunday, to the one who stands first in each class. All pupils who succeed in passing their examinations for the certificate of studies receive a postal savings bank book for 10 francs.

Disciplinary method.—The rewards and punishments in use at the colony of Mettray are those prescribed by the ordinance of July 15, 1899.

Special reward.—Every child who has not been punished in a cell or by restraint has a stripe for good conduct for one year and may, if he continues, obtain a stripe for three years. For each stripe is assigned an annual premium of 5 francs. The posts of trust, as older brothers, gymnastic monitors, group of instruction, give right to premiums of 1 franc per month. The palms of gold carried on the sleeves are given twice each year, in consequence of general examinations, to the highess pupil in each class, and a savings book is given to all who obtain a certificate of primary studies.

Charitable persons have sometimes placed at the disposition of the colony certain sums for distribution, in the form of savings books, to pupils who are most meritorious for their work and good conduct.

Each week there is a competition between all the families. That which has the fewest punishments during the week has the banner of honor and has the first right in review and promenade, and in that week enjoys extra meat at the repasts.

The pupils whose conduct is good, who have acquired sufficient professional knowledge, and of whom there is good reason to believe they have truly reformed, on the proposal of the director, and with the agreement of the administration, may be returned to their family, on definite or provisional discharge, or confided to individuals under the control and oversight of the colony. They may enlist in the army or navy before the time fixed for their discharge.

At the time of the absolute discharge the director endeavors, when the families are unfit, to place the pupils near the establishment, and, above all, in the country where there is less fear of their falling back into unwholesome surroundings. But when, in spite of exhortations, they persist in returning to their parents where they have before them deplorable examples and receive injurious counsels, the local administration is without weapons.

Patronage being exercised at Mettray by the establishment itself, and by its agents, the pupils are placed through its care. The greater part of those voluntarily enlisted are placed under the patronage of the society presided over by M. Voisin, counselor of the court of cassation, whose zeal so intelligent and indefatigable contributes in a powerful way to the work of elevating youth who are abandoned or culpable.

Organization of work.—Labor is carried on for the most part at the expense of the establishment. The shoe shop had to be closed on account of the reduction of the population. The brush-making shop works chiefly for individuals.

The workshops organized, outside of the agricultural pursuits, the nurserymen, and kitchen gardeners, are the shoemakers, brush makers, tailors, wooden-shoe makers, wheelwrights in iron and wood, locksmiths, masons, carpenters, tinsmiths, farriers, cabinetmakers, painters, and bakers.

The population is divided as follows:

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In the various workshops:

Shoemakers	11	Locksmiths	5
Tailors	18	Tinsmiths	7
Brush makers	25	Masons	3
Wheelwrights	8	Painters	3
Wooden-shoe makers	7	Bakers	4
Farriers	5	Coopers	1
Carpenters	6	Various services	26
Cabinetmakers	5		

It is difficult to give the average duration of apprenticeship, because of the diversity of work and of aptitudes and of the good will of the persons employed. One may fix it approximately at three years. The products of industries are mostly consumed in the establishment; little is sold. The brush-making shop works for outsiders. The colony has never had to make transfers to other establishments. The children receive a daily gratuity, varying according to the person. These sums are credited to a reserve fund. They generally receive each week a certain number of good points, having a money value, which they may keep together or spend in the canteen.

In the shops when it is possible to fix a minimum task the children have additions made to their funds in proportion to the work done above this minimum. In case of work done for individuals, which is rare, half the gratuity is credited to the account of each pupil employed. The unavoidable errors do not involve repressive measures, while the defects due to intention, in addition to a disciplinary punishment, are debited against the authors on approval of the minister each six months.

All the supervisors, foremen, or heads of shops in the establishment are approved by the prefect of Indre-et-Loire. They are paid by the establishment. They are required to maintain order in their shops and, except in urgent cases when they are able to send a pupil directly to a place of punishment and render a report of it to the director, they limit themselves to sending to the head of the family a report of the offenses committed each day. The register of punishments in the family is presented to the director to pronounce the penalty in presence of the pupil.

All sums belonging to the pupils' fund are converted at his liberation into a postal savings book, which is sent to him within three months after his departure. For those voluntarily employed and admitted to the patronage of the society, under the presidency of M. Voisin, the books are addressed to the society. According to the regulations of the administration the pupil is not able to possess his book before the age of 21 years. The average amount of the fund at the moment of going out was, for the year 1899, 62.55 francs.

Patronage.—The colony of Mettray has always assumed a patronage over its pupils. Not content with finding for them patrons who offer all the guarantees of morality, it follows them by its agents when the places are in its neighborhood, or by correspondence with the children and their patrons. In distant places it has recourse to curés, teachers, members of the Society of St. Vincent de Paul, or other charitable persons who are willing to serve as corresponding members of the society of patronage. To facilitate their task there are sent to them each year printed forms which, being addressed to them under care, contain a certain number of questions which they are expected to answer. Those voluntarily employed pass, as we have said, under the patronage of the society over which M. Voisin presides, while the colony does not lose sight of them.

Many former colonists remain in correspondence with the house, and those who have need of aid never fail to have recourse to it, assured that they will have a benevolent reception. The pupils who are placed in the department come to visit the colony from time to time, where they always are hospitably welcomed, and often have a little aid in articles or shoes. Those who are sick come to be treated in the infirmary.

By virtue of the movement friendly to the development of societies of patronage, the city of Tours has founded one of which the colony of Mettray avails itself in the interest of its pupils.

In general, the colony of Mettray figures in the Union of the societies of patronage of France, and as numerous societies have been founded during recent years in many cities, the colony uses them for those of its graduates, liberated colonists, who have returned to their parents. The patronage service is happy to proclaim that it has always found in them the most earnest assistance, and that they render it services beyond appreciation.

A PUBLIC ESTABLISHMENT.

The correctional colony of Eysses (Lot-et-Garonne).—Article 10 of the law of 1850 runs thus: "There are established in France and in Algiers one or several correctional colonies, to which are taken for training: (1) Young convicts who are to serve two years; (2) those in the colonies who have been declared insubordinate."

The central house of Eysses (Lot-et-Garonne) having been appropriated, was chosen for the installation of the correctional colony (ministerial decision of June 2, 1895). On June 12 the transfer of the young prisoners, until then detained in the correctional quarters, took place. To the two categories provided by the law of 1850, it is necessary to add this provision of article 8 of the law of May 27, 1885, which reads: "ART. 8. He who has required 'relegation' under article 4 of this law, if he is under 21 years of age, shall be, after the expiration of his penalty, retained in a house of correction until his majority." On December 31, 1895, the correctional quarter had 302 young prisoners. The establishment is an ancient abbey of the Benedictines of Saint-Gervais and Protais (1687). It had been transformed into a central house on Fructidor 16, year XI. Well situated on the east of Villeneuve-sur-Lot, in the midst of a smiling country, the climate temperate, the air pure and wholesome, the medical statistics show that there have never been epidemics. One approaches it by a very beautiful avenue of old plane-trees. The buildings are large and well ventilated, and form four distinct quarters. The chapel is in the center. The infirmary admirably placed outside the buildings occupied by the inmates, looks over the fields; it includes 2 large halls, capable of containing 40 beds. The administration has installed there 18 isolated cells for dangerous subjects.

The cellular quarter includes 43 cells for punishment. With others in different quarters there are in all 100 cells and 12 dungeons. These cells are indispensable to meet the requirements of the regulation, which provides for a repressing and intimidating system. The children under punishment are visited daily by the head teacher, the head supervisor, and occasionally by the director; the priest, the physician each week, and more often in cases of serious illness. The population is divided into five sections. The first of these is composed of candidates for relegation and persons known to be incorrigible and dangerous. The smaller children are entirely separated from the larger except at school. A teacher is especially placed over one division, in addition to the supervision exercised by the director, head supervisor, supervisors, and foremen. He watches over the children of his division in the refectory, during the recreations, the visits to the punishment squad, and in the cells. He furnishes to the director suggestions in regard to subjects which require attention. School is held every day, the teachers themselves directing a class with monitors as supervisors. The results are satisfactory and there are few illiterates. The dietary is the same as in the penitentiary colony. All the dormitories are transformed for nocturnal isolation, and there are 436 individual chambers. The work is industrial and agricultural; the farm includes 13 hectares.

The trades followed in the shops are those of: Tailors, menders (where all are classed at arrival, awaiting their selection of shops), makers of wooden shoes and overshoes, harness makers, cardboard workers, makers of nets, blacksmiths, tinsmiths, cabinet-makers, coopers, sawyers, painters, masons, and hand workers. Some are busy in field and garden.

In general, the service on state account includes these employments: Cooks, sweepers, bleachers, nurses, writers. All the works of construction and care of buildings are done by pupils under the direction of the supervising foreman. They construct the cells.

Refuge installed at the Hazey farm.—At the public colony of Donaires (Eure) there is an annexed farm, graciously and gratuitously placed at the command of the colony by the honorable Doctor Borilly, surgeon of the hospital of Cochin. It is devoted to a provisional refuge of former pupils without employment, and merits mention apart. This sojourn is only temporary, for the youth are placed with patrons by the care of the administration.

Admitted to the refuge are: (1) Former pupils of Donaires who present themselves at the colony without resources or employment; (2) former pupils who leave the establishment, without a home; (3) those who being in residence are sent for convalescence.

Before being sent to the refuge those received are bathed at the infirmary. They take articles placed at their disposal by the administration (effects of pupils under reform). The clothing is disinfected, washed, mended, or burned if too ragged. The soldiers in convalescence receive similar articles, and are permitted, if they desire it, to wear their "kepi" as head cover. Papers, money, and other articles are deposited upon arrival in the hands of the head supervisor, who tickets them and sends them to the baggage master, to be returned to the inmates when they depart.

Those in asylum live on the farm of Hazey; they can not go away without permission of the director or head supervisor of the refuge, who fixes, according to the season, the hour of return. A card of identification is given to each guest by the vice-president of the committee of patronage. Work is obligatory. Rising hour is 5 a. m. in summer and 5.30 in winter. Retiring hour is 9 p. m. in summer and 7.30 in winter. In winter the guests may be under instruction of evenings. It is expressly forbidden to smoke inside the farm. The beds are made up in the morning and the covers folded as in the colony. Cleanliness is required. Ablutions are made in summer at the pump and in winter in the dormitory in basins arranged for the purpose. Quiet is required during the night and smoking in the dormitory forbidden. In the summer the guests go to the colony for a bath once a week.

All disputes, controversies, insults, quarrels, or assaults with evil purpose are formally forbidden. The guests must show politeness to strangers and members of the colony. They must manifest respect and obedience to the head of the refuge. The introduction of all intoxicating liquors is interdicted. Into the park of the chauteau they may not enter. The repasts are taken in common in the hall designated. The supervisor is present at the repast, as well as at the rising and retiring.

The guests have no claim for wages; at the same time, if the administration has judged it to be proper, some gratuities in money or goods will be given to the best workers out of the patronage funds. The guests must accept the places assigned them by the administration. They go where they are sent by the director, furnished with a letter of introduction for the patron, when they are not placed directly at his disposal. At their departure they receive the money and property brought by them and given to them by the committee of patronage. They are to inform the director of their arrival at their destination.

Excluded from the refuge are: Every guest who has refused to obey, to work, or is guilty of bad conduct; those who leave the farm without permission; those who refuse employment or place procured for them by the administration; those who, on being sent to a patron, do not report to him; those who are sent from the patron for misconduct or bad work; those who have violated knowingly and willfully the prohibitions of the regulations.

Entrance into the refuge is voluntary. The refuge is visited every day either by the director, the manager, the chief supervisor, one of the higher supervisors, or other employee designated.

Infractions of rules, claims, incidents are made known the same day by the supervisor on duty in the refuge and mentioned in the record *ad hoc* submitted to the director. The wife of the supervisor is responsible for care of the linen, kitchen, and the sick diet for guests who are ill.

In case of serious sickness, on advice of a physician, the guest affected is transferred to a hospital. A list of names of former pupils is kept. The regulations are read to each guest on his arrival. He must subscribe his consent to submit to these rules. A copy is posted in the refectory hall.

Situation of the refuge since its creation.—Since its creation, November 1, 1896, this refuge has yielded satisfactory results. Up to December 31, 1898, it has entertained 80 unhappy youths who were without work and without resources, often without a family home, who have sought asylum in place of tramping and wandering from city to city in quest of employment, which they might not be able to find. To-day they are in positions, good workers.

Movement of population of the refuge at Hazey from November 1, 1896, to January 1, 1900:

Placed	59	Soldiers admitted (forty-eight hours to thirty days)	27
Enlisted	9	Remaining in the refuge	3
Aided and sent home	37		
Sick sent to patrons	2	Total	142
Convalescent soldiers (three to six months)	5		

Of these 142 guests, 5 were in prison, and at the moment of their liberation they were recalled by the colony and restored to citizenship; 4 former pupils have come back from the correctional colony at their liberation; 14 have written of their intentions to return and received money for travel.

These statistics are sufficient to prove the good one is able to do by giving a refuge to former pupils. They are kept from prison and society is preserved from the offenses which these unfortunates would commit. Hunger and misery are evil advisers.

Special establishments for young girls.—The law of August 5, 1850, mentions in articles 15, 16, and 17 the special instructions relating to young girls.

ART. 15. The rules traced by the present law for the creation, regulation, and surveillance of penitentiary colonies are applicable to penitentiary houses destined to receive the young women prisoners, except the following modifications:

ART. 16. The penitentiary houses receive: (1) Minors detained by way of paternal correction; (2) young girls under 16 years condemned to prison for any period whatever; (3) young girls acquitted as having acted without discernment and not sent back to their parents.

ART. 17. Young girls detained in penitentiary houses are brought up under a severe discipline and are put at work suited to their sex.

There exists in France under the law only one type of penitentiary house which receives all classes of girls.

On December 31, 1897, the population was 1,016, thus divided:

The public establishment	156
Private establishments	860
Total	1,016

Divided thus by categories:

Public establishment:	
Acquitted (art. 66)	855
Condemned (arts. 67 and 69)	1
Paternal correction	33
Total	156
Private establishments:	
Acquitted (art. 66)	855
Condemned (arts. 67 and 69)	3
Paternal correction	2
Total	860

Insubordinate girls are shut up in a special quarter annexed to the school of preservation of Doullens. On January 1, 1900, they numbered 40.

School of preservation at Doullens (Somme) and the correctional quarter annexed.—*Origin, purpose, personnel.*—This house of penitentiary education was founded January 1, 1895, to receive girls imprisoned under article 16 of the law of August 5, 1850. It is installed in the ancient citadel of Doullens (Somme) of which it occupies the entire second inclosure. In the first is found its annex, the correctional quarter, which receives insubordinate pupils from various penitentiary houses. Nocturnal isolation is rigorously applied in the two quarters whose services are otherwise distinct, and, in some respects, different. The school of preservation includes 126 chambers for sleep; the correctional quarter has only 40, but so disposed, in 14 day and night cells, as to isolate the most undisciplined. Under the orders of the director are placed female officers: 1 female inspector, 4 teachers, 1 head supervisor, and a certain number of guards. Primary instruction is given to every pupil during two and one-half hours every day, and relates to matters required to obtain the certificate for primary studies.

The trades or professions taught the pupils are those of dressmaking, laundry, and gardening or farm work. But outside the time given specially to apprenticeship in these trades, each child is employed successively in mending the linen, in the kitchen, or general household service, that they may acquire the domestic knowledge indispensable to all women in modest circumstances, and perhaps even to others.

In a general fashion the professional instruction of pupils is directed not only with a view to improving the handicraft and the production of shops, but also and above all with the constant aim of preparing the girls to gain their livelihood honestly after their liberation.

In order to stimulate the ardor of the pupils for work their efforts are rewarded with gratuities, presents, or money. The presents may be books, boxes or small implements of work, materials to be made up during recreations into handkerchiefs, aprons, chemises, etc., for their trousseau when they go away. Ribbons or fillets, weekly for classes and monthly for hand work and conduct, are bestowed on a scale of 0 to 9 in the different lines, and these distinctions, very highly appreciated by the pupils, enable them to reckon mathematically the number of good marks given each month.

The gratuities in kind are allotted, in the form of good marks, to pupils whose conduct and work are beyond criticism. A good mark has a value of 5 centimes, and there are distributed monthly 1,000 good marks among 100 children. Further, on the 14th of July of each year, at the national festival, savings books of 10 to 30 francs are given by the superior administration to the most meritorious pupils. So, while the personal trousseau of the girl gradually increases by gifts in kind or money, her fund in money, grown from a few centimes, is increased from two sources which flow together at last—the good marks and the exceptional grants. On the day of liberation the greater part of the fund is deposited in the savings bank in the name of the child, who can not dispose of it until her majority, and the remainder is sent from time to time to meet her needs.

Violence, brutalities, and corporal punishments of all kinds are forbidden. The disciplinary punishments employed are, according to the case: Reprimand to the pupil, alone or in presence of other pupils; kept standing during the class, recreation, work, or repast; withdrawal of the distinctions for class, conduct, and work; deprivation of recreation or walk; fines deducted from fund for breaking, injuring, or willful spoiling of work; diet of dry bread, under the rule of July 15, 1899; placing in a cell fifteen days or more. For a longer period the approval of the minister must be received. Placing in the correctional quarter is a penalty inflicted only on order from the minister. This is the scale of punishments.

In respect to the relatively discreet girls in the school of preservation the deprivation of rewards is more used than punishments in the strict sense, and the latter are employed only after all other means which a wide indulgence could suggest have failed.

It is not the same in the correctional quarter, where indulgence rarely succeeds and where generally the application of article 614 of the Code of Criminal Instructions becomes necessary. Here we have to deal with girls of 16 to 20 years, notoriously ill-disciplined, who have already abandoned themselves outside to prostitution.

As in the other penitentiary establishments, there are two dietary systems—the full diet and the scant diet. * * *

In respect to moral education, there can be no fixed regulations; it can result only from the personal efforts of teachers whose efforts tend constantly to develop the good disposition of the pupils, to restrain their vicious or wandering instincts, and put them on guard against false or exaggerated ideas. In this work of reform and of preservation there is a place for ingenuity and good will. The director, not only in his instructions but in continuous action, by the measures he employs, by his mode of punishing and rewarding, is intent upon inducing those under his administration to believe two things to be necessary, justice and benevolence.

The woman inspector takes the place of the absent or unworthy mother with the more unhappy, poor, disinherited girls, whose moral misery is truly heartrending, and she awakens good sentiments, which continue to linger in these depressed natures.

The priest, in the exercise of his office, seeks to develop in the pupils the idea of duty in a fashion as broad and elevated as possible, without passing the limits of the narrow and dwarfed intelligence to which he appeals.

On their side the female teachers, without seeking to take the place of the priest, apply themselves to fortify and deepen in the soul of their pupils the essential notions of human morality common to all creeds and necessary to all civilized beings.

Finally, the supervisors and foremen make the most of the least facts or incidents of the interior life of the house to address to their little world useful recommendations and even to enounce precepts which, in their simplest form, accomplish more than wise dissertations in showing the difference between good and evil.

Thus directed and counselled, the pupil grows up, develops physically and morally, and reaches the day for release. The great question of her replacement in society, regarded and studied by the administration, receives a solution. If the family offers adequate guaranties, the child is sent home. In the contrary situation, the discharged girl is confided to the Society of Patronage of Noisy-le-Sec, which receives her, places her, and lends her the moral and material aid which she needs. This society was founded by Madam Inspectress-General Dupuy.

Table of public and private establishments devoted to correctional education of minors under 16 years.

BOYS.

Name of establishment of correctional education.	Number.	Location.	Date of founding.	Founders.	Nature of work assigned to young prisoners. Observations.
Public establishments:					
Aniane	1	Commune of Aniane (Hérault).	1885	The State	Industrial and agricultural.
Auberive	2	Commune of Auberive.	1897	do	Do.
Belle-Île-en-Mer.	3	Canton of Palais (Morbihan).	1880	do	Agricultural, maritime, and industrial.
Douaires	4	Communes of Gaillon, St.-Aubin, and St.-Julien of Liègue, Canton Gaillon (Eure).	1847	do	Industrial, agricultural, and horticultural.
St.-Hilaire	5	Commune of Roiffé, Canton Trois Montiers (Vienne).	1860	do	Industrial and agricultural; reform school; receives only children under 12 years of age.
St.-Maurice	6	Commune of Motte-Beuvron (Loire-et-Cher). domain of former imperial civil list.	1872	do	Industrial and agricultural
Val d'Yèvre	7	Communes of St.-Germain-des-Puits, Osmoy, and Moulins-sur-Yèvre (Cher), Canton Baugy.	1846	M. Ch. Lucas, member of the Institute, former inspector-general of prisons; changed to a public colony in 1872.	Do

Table of public and private establishments devoted to correctional education of minors under 16 years—Continued.

BOYS—Continued.

Name of establishment of correctional education.	Number.	Location.	Date of founding.	Founders.	Nature of work assigned to young prisoners. Observations.
Public establishments—Continued.					
Eysses	8	Communes of Villeneuve-sur-Lot (Lot-et-Garonne).	1895	The State	Correctional colony. Industrial and agricultural labor.
Private establishments:					
Bar-sur-Aube	1	Commune of Bar-sur-Arbe (Aube).	1862	M. Brisson	Viticultural.
Boulogne	2	Commune of Boulogne (Haute-Marne).	1879	M. Sommelet	Industrial.
Jommelières	3	Commune of Javerlhac (Dordogne).	1876	M. Masse	Agricultural.
La Couronne	4	La Couronne (Charente).	1897	M. Bellefoye	Horticultural.
La Loge	5	Commune of Baugy (Cher).	1852	M. de la Mardière	Agricultural and horticultural.
Le Luc	6	Commune of Champêtre.	1855	Le Marquis du Luc.	Do.
Mettray	7	Commune of Mettray.	1840	M. Demetz and Vicomte de Brétignières de Courteilles.	Agricultural, horticultural, and industrial.
École Lepeletier de St.-Fargeau.	8	Montesson (Seine-et-Oise).	1895	Department of the Seine.	Professional school; garden and industries.
St.-Éloi	9	Haute-Vienne	1876	Community	School of reform; receives children under 12 years of age.
Ste.-Foy	10	Commune of Port-Ste.-Foy.	1842	Vice-Admiral Vérhuel and Society of Protestant Interests.	Agricultural and horticultural; receives only Protestant children.
St.-Ilan	11	Commune of Langneux.	1843	M. Achille Duclésieux.	Agricultural.
St.-Joseph	12	Haute-Saône	1877	Community	Agricultural; school of reform; receives only children under 12 years of age.
Society of patronage of young prisoners and discharged youth of Department of the Seine.	13	9, rue de Mézières (VI^e arrondissement), Paris.	1833	MM. Moreau-Christophe, Charles Lucas, and Bérenger.	Principally industrial (industries of Paris) and agricultural (accessory).
GIRLS.					
Public establishment:					
Doullens	1	Commune of Doullens (Somme).	1892	The State	Special house for young girls; a special quarter for insubordinate girls.
Private establishments:					
Institution of deaconesses.	1	Rue de Reuilly (Paris).	1874	.....do	For young girls of Protestant faith.
Israelitish house of refuge.	2	Neuilly-sur-Seine (Seine).	1873	Israelitish women	For young girls of Israelitish faith.
Asile Ste.-Madeleine.	3	Limoges (Haute-Vienne).	1849	M. l'Abbé Féret	Industrial and others; receives young girls who are to become mothers or have special diseases.
Atelier-Refuge de Rouen.	4	Commune of Danntal, near Rouen (Seine-Inférieure).	1849	Sister Marie Ernestine.	Industrial and agricultural.
Barillien	5	Haut-Rhin	1871	.....do	Do.
Montpellier, Solitude de Nazareth.	6	Commune de Montpellier (Hérault).	1842	M. l'Abbé Couval	Do.
Ste.-Anne d'Auray.	7	Morbihan	1871	.....do	Do.

ITALY.

[Sources: Ordinamento generale della Amministrazione Carceraria, Roma, Tipografia delle Mantellate, 1891.]

ORGANIZATION AND ADMINISTRATION.

THE KINDS OF PRISON ESTABLISHMENTS AND REFORMATORIES AND THEIR PURPOSES.

ARTICLE 1. The prison establishments are distinguished as: Establishments for preventive incarceration, establishments for ordinary punishment, establishments for special penalties.

ART. 2. Establishments for preventive imprisonment are: The judicial prisons, central and branches; departmental judicial prisons.

ART. 3. Establishments for ordinary punishments are: Penitentiaries, houses for seclusion, houses of detention, houses of arrest.

ART. 4. Establishments for special penalties are: Intermediate prisons, agricultural and industrial; houses of rigor, judicial asylums for the insane, houses of custody, houses for convicts known to be habitual drunkards, workhouses, houses of correction.

ART. 5. Reformatories are distinguished as: Institutions of education and correction, institutions of educational correction, institutions of paternal correction.

ART. 6. The judicial prisons, central and branches, in the capital places or other communes of a circuit, are set apart for: (*a*) Persons on trial, (*b*) for persons sentenced to detention or to seclusion for not more than six months, or for those sentenced to arrest (except under article 413).

ART. 7. The judicial prisons of departments, situated in the capitals of a department (mandamento), are set apart (*a*) for persons on trial for offenses which come within the jurisdiction of a prefect; (*b*) for accused persons not yet remanded to the judge; (*c*) for persons sentenced to seclusion or detention not exceeding three months, or sentenced to arrest (except article 413).

ART. 8. The central and branch judicial prisons, as well as the departmental, may hold in custody (*a*) those sentenced to any penalty which deprives of liberty, in expectation of their being sent on to their destination; (*b*) prisoners in transit; (*c*) prisoners who are temporarily at the disposition of the authorities of public security.

ART. 9. The judicial prisons—central, branch, or departmental—are arranged for continuous cellular segregation and for the system of nocturnal segregation. To continuous cellular segregation are subjected (*a*) persons on trial during the period of instruction, and until the competent judicial authority has declared that the continuous cellular segregation shall cease; (*b*) persons on trial who make a formal request to remain isolated, even when they might be released, when it is practicable to concede their request; (*c*) prisoners who are allowed under the Penal Code to expiate their crimes in the judicial prisons without isolation, and who make a formal request to remain segregated, when it is practicable. Prisoners of other classes are subjected to segregation at night. Prisoners who have requested that they might pass their terms in isolation, and whose requests have been granted, may not be removed upon their simple desire and without serious grounds of health. In the judicial prisons penal sections may be established in the sense of article 232.

ART. 10. The ordinary establishments of punishment are designed to serve as penitentiaries (ergastolo), for seclusion, for detention, and for arrest. These establishments for punishment are on the system of continuous cellular segregation for those convicts who, according to the rule of law, are to serve their sentences under this regimen. Other convicts are isolated at night, but the provisions of article 9 are here applicable.

The penal establishments for males may have different sections for different periods of the same penalty, and the same principle applies to prisons for women.

ART. 11. The special penal establishments are designed for the following classes of prisoners: (*a*) The houses of the intermediate penalty, of which the Penal Code speaks in article 14;[a] (*b*) the "houses of rigor," for convicts to whom article 344 of the regulation applies; (*c*) the judicial asylums for the insane, for convicts to whom articles 469, 471–473 (persons on trial) apply; (*d*) the houses of custody, under article 47 of the Penal Code [persons whose full responsibility is in question]; (*e*) houses for habitual inebriates (article 48 of Penal Code); (*f*) workhouses (article 22 of Penal Code); (*g*) houses of correction (articles 54–56 of Penal Code). * * * These establishments are subdivided into separate sections, for continuous cellular segregation, segregation at night, community, according to the disciplinary rules of the general regulation or under special rules.

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[a] Article 14 reads: "Those sentenced to seclusion for not less than three years who have served not less than thirty months of their term, and have conducted themselves well, may serve the remainder of their terms in a penitentiary, agricultural or industrial, or laboring on public or private works under the control of the public administration. In case of bad conduct this permission is revoked."

ART. 12. The establishment for education and correction are designed for minors (articles 53 and 54 of Penal Code). They are of three classes, and are on the congregate system, with segregation at night, and have sections for youth of different ages.

ART. 13. The prisons for prevention, ordinary and special, belong to the government; the reformatories may also be private establishments.

THE ADMINISTRATIVE CORPS OF PRISONS AND REFORMATORIES.

ART. 14. The administration of prisons depends upon the minister of the interior.

ART. 15. The prisons and reformatories are divided into the divisions [compartimenti] and thirteen circuits [circoli]. * * *

ART. 16. The penal establishments and the reformatories are intrusted to a special directory. The central and supplementary political prisons may be intrusted to a special directory or to the higher administrative authorities of a locality. The departmental judicial prisons, where there is no subprefect or local prison directory, are intrusted to syndics, who may delegate to the chief guard, or his representative, some of their powers, with the previous consent of the minister. The prisons and reformatories for women (adults or minors) may, by agreement, be intrusted to charitable institutes of women, under the direction of the local authority.

ART. 17. All the directing authorities, within the limits and under the rules established by the regulation, depend directly upon the prefecture of the respective provinces; and they should refer all matters affecting public order to the prefects, and should keep in touch with the competent judicial authorities in respect to the course of justice and the decrees of penal procedure.

ART. 18. For the service of custody, watch, and convoy of prisoners there are provided trained persons and agents; for the establishments or sections for minors, for the house of custody and for the judicial asylums for insane, trained persons and attendants; for establishments and sections for women (adults or minors), sisters or female guards, or both. * * *

ART. 19. The directing authority and officers of prisons and reformatories follow, in the sphere of their duties, the orders sent down from superiors, administrative and judicial. When no rule has been made an under officer should require a written order.

ART. 20. The ordinary correspondence between the directory of judicial prisons and the minister of the interior goes through the prefects; those between the penal establishments and reformatories and the minister also by way of prefects when it is an affair of officers, public order, manufactures, or events of unusual importance; in all other cases directly. In all cases the directors may communicate directly to the minister matters of exceptional or urgent nature.

COUNCIL OF SURVEILLANCE.

ART. 21. In every commune where are found houses of seclusion, detention, or of custody is established a council of surveillance, composed of the procurator of the king, together with the tribune in whose jurisdiction the establishment is situated, the president of the society for aiding discharged prisoners, of the prison of the circuit or province, and, in his absence, a person chosen by a council of the order of advocates, and the director of the establishment. The presidency of this council is assumed by the procurator of the king. The director has the function of reporter. An employee of the direction, designated by the director, or another named by the president when the council does not hold its session with the direction of the establishment, performs the office of secretary. The person chosen by the council of the order of advocates remains in office one year, but may be reappointed for two following years.

ART. 22. Powers of this council: (*a*) To formulate proposals for the transfer to houses of intermediate correction of those condemned to seclusion who are mutinous or to revoke this concession, under article 14 of the Penal Code; (*b*) to make their observations on the requests preferred for conditional liberation for those prisoners who meet the required conditions, under article 16 of the Penal Code; (*c*) to propose the recall of an order by which, under article 47 of the Penal Code, one sentenced to a penalty restraining personal liberty has been sent to serve it in a house of custody.

Art. 23. The council of surveillance meets in the office of the director of the establishment or in another place designated by the president. It is convoked by the president at least two times in a year, and the director of the establishment is required to prepare the necessary data for discussion and decision in matters belonging to his duties. The director of the establishment calls an extra session of the council in cases provided for in article 454 when delay is thought dangerous to order and discipline.

Art. 24. A special record is kept of all deliberations of the council, which gives an account of the proceedings in the treatment of each proposition and giving a summary of the reasons for the resolutions adopted.

Art. 25. The conditions of transfer to an intermediate prison from a penitentiary are found in article 453 of the regulations, and those of conditional liberation in articles 381 and 499.

Art. 26. The request for conditional liberation is presented by the convict to the director of the establishment in which he is serving his sentence, and the director transmits it to the procurator-general at the court of appeals of the district in which the sentence was pronounced, with his observations on the proofs of amendment given by the convict, and with those of the council of surveillance. The list of convicts who have applied for conditional liberation, the applications having been transmitted to the procurator-general, are sent from the director to the minister of the interior within five days after the end of each semester.

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VISITING COMMISSION.

Art. 46. In all communes in which are found prisons and reformatories there is established for each institution a visiting commission, to which is confided the task of inspecting the food, furniture, hygiene, instruction, work, and of cooperating with the director in order to reinforce authority, the maintenance of discipline, the execution of the rules, the care and reform of the prisoners.

Art. 47. The visiting commission is composed of the syndic of the commune or an assessor delegated by him, who acts as president, the procurator of the King, and the priest in whose parish the establishment is situated. The commissioners elect two citizens nominated, one by the prefect of the province and one by the procurator-general of the district of the court of appeals. In communes where there is no tribunal the procurator of the King has for his substitute a praetor, who may not have a substitute. For establishments or sections for female prisoners the two elected members may be women. For reformatories the members elected are chosen by preference from the members of the society of patronage. The members elected are chosen every year, but may be reappointed. The members nominated as substitutes of those who cease to be in office before the end of the year remain on duty for the time that the original officers would have been in office.

Art. 48. In case of serious events where the discipline of prisons or reformatories is in danger, the visiting commission may be chosen on a royal order upon the proposition of two ministers of the interior and of justice. The visiting commission has for a quorum three of its members. For the performance of its duty the commission has access to the interior of the prison or reformatory, and may visit the dormitories and cells, the infirmaries, the workshops, punishment cells, dispensaries, the kitchens, the barracks of the guards, etc. The commission is also permitted to hear the requests of prisoners, and especially of convicts serving sentence, or who expect a transfer.

Art. 50. In order that the commission may visit prisoners not yet sentenced, or who are under the control of the authorities of public security, there is need of the intervention of the representative of judicial authority.

Art. 51. For ordinary visits the commission may delegate two of its members in turn. The director should designate to the visiting commission the prisoners that are meritorious.

Art. 52. The visiting commission should watch over the instruction and periodical examinations of prisoners in reformatories and houses of correction.

Art. 53. A register of these visits shall be kept by the director. Annually the president of the commission sends his report to the prefect of the province, and the prefect sends it to the minister with his approval. In urgent cases reports are sent to the prefect and minister without delay.

PERSONNEL OF ADMINISTRATION.

Art. 54. The corps of administration of prisons is composed of inspectors, directors of circuits, directors, deputy directors, secretaries, assistant secretaries, accountants, bookkeepers, computers, assistants of accountants, officers, and clerks.

Art. 55. Additional officers in each establishment are: Chaplains, physicians, pharmacists, teachers, instructors in agriculture, technical instructors, foremen, sisters.

Inspectors of prisons.—Art. 56. The inspectors of prisons have their offices with the minister of the interior. They visit, by orders of the minister, the prisons and reformatories wherein there are prisoners representing the central administration.

Art. 57. At least once a year the inspectors should visit the prisons in their circuits and make a report to the minister.

Art. 58. Every officer is obliged to give documentary and other information requested by the inspector. The local administrative and judicial authority, the presidents of societies of patronage and of visiting committees give reports to the inspectors, in order that the inspections may better serve public ends.

Art. 59. When the inspection reveals serious defects in the offices of an establishment, the inspector requests the responsible officer to give his explanations in writing, and these he sends to the minister with his own observations and with documents. When the facts are of exceptional importance and demand careful precautions, the inspector telegraphs to the prefect of the province or to the minister of the interior, according as it is a matter of public order or of administration, or to both in grave cases, and awaits instructions. When the situation is so serious that immediate measures must be taken, the inspector acts without delay, telegraphing at the same time to the prefect and to the minister. In other cases the inspector gives necessary orders and refers them to the minister.

Art. 60. In all the registers which the inspectors examine they should affix their signatures.

Art. 61. In visiting an establishment the inspectors place themselves in communication with the superior administrative and judicial authorities to further their mission.

Art. 62. The inspectors not on circuit duty remain at the office of the minister of the interior and deal with matters of the director-general of prisons. When their collective opinion is desired they assemble under the presidency of the director-general of prisons or his deputy. Minutes are made, and each member may record his vote, dissent, and reasons. The youngest inspector acts as secretary. To the inspectors are intrusted special studies relative to laws, regulations, instructions, statistics, etc.

Art. 63. When there are women prisoners the inspectors appointed may be women.

Circuit directors.—Art. 64. For the inspection of central prisons, auxiliary and departmental, for the surveillance of minors placed with honest families by the administration, and for other special duties, there is appointed in each circuit, by ministerial order, a director of administration of prisons, chosen from the directors of the first three classes. * * *

Directors.—Art. 65. The director is head of the establishment. All his subordinates, without exception, owe to him obedience in all matters relating to the service, and he, in his turn, owes to them to show a good example in public and private conduct, which alone can inspire respect. The director governs all parts of the service and makes all suitable provisions; watches for the scrupulous observance of laws, regulations, instructions, contracts; observes the manner in which officers who are subordinate to him fulfill their duties; examines all correspondence, records, and acts of discipline; and is responsible for every irregularity that a diligent watchfulness might have known and prevented, for every failure not referred to higher authority, and every order given by him and not executed.

Art. 66. The director makes and modifies rules for internal management, with advice of visiting committee, as in respect to hours of various forms of work, assignment of cells and rooms, introduction of food. These rules should be approved by the minister of the interior, or, in case of departmental prisons, by the prefects.

Art. 67. The director is to study carefully the character of each convict; to seek to inspire him with confidence; to show to him by accurate methods and firmness that all that is done or ordered is the scrupulous execution of law, not capricious nor passionate.

Art. 68. To secure the custody of convicts and detained persons the director must (*a*) arrange with the prefect and with the military authorities for outside guards; (*b*) to plan, as economically as possible, for guards over groups of working prisoners inside and outside the prison; (*c*) to visit at least monthly all parts of the prison, and be sure that vigilance is exercised day and night; (*d*) to visit, as often as possible, the places where prisoners are laboring in the open, and see that the guards are active to prevent flight, assaults, and communications with outside persons; (*e*) to see that convicts do not come in contact with free laborers save in exceptional cases known to the minister; (*f*) to investigate at irregular intervals dormitories, work places, cells, and employees or officers; (*g*) to see that arms and ammunition are ever in a good condition for use, and to inform the minister or prefect if any addition or change is required; (*h*) to require, in case of mutiny, the captain of a military post to furnish an extra guard, and to report to the judicial and administrative authorities.

ART. 69. Internal discipline. The director ought (*a*) to establish for employees an order of hours of service, and extend work beyond ordinary hours when necessary; (*b*) to establish order of service for employees so that each shall have his turn; (*c*) to report on conduct of employees to the prefect and minister each semester; (*d*) to assemble occasionally the employees for instruction in their duties; (*e*) to see that the agents observe the forms prescribed; (*f*) to investigate cases of contagious diseases and take precautions; (*g*) to require the prisoners to be clean and follow the rules; (*h*) to classify the prisoners in dormitories, chapel, workshops, school, according to the regulation, by age, and other personal conditions; (*i*) to procure work for prisoners according to their capacities, taking account of their previous employments or those for which they are to be prepared or are inclined; (*j*) to assign services to prisoners who are meritorious, but without partiality; (*k*) to see that prisoners sent away are able to travel, and that malingerers are not declared to be sick; (*l*) to visit the prisoners as often as possible and hear their complaints with kindness, and to correct evils; (*m*) to admonish prisoners who fail in their duty and to praise them for actions which show good will and amendment; (*n*) to arrange for visits of the chaplain, surgeon, master, employees, foremen, and others, especially to those prisoners who are in cells; (*o*) to promote correspondence and affection between the prisoner and his family, if they are upright people; (*p*) to urge economic habits and see that the savings are not wasted; (*q*) to examine correspondence, prevent sending or receiving objectionable letters, and to communicate to political and judicial authorities anything of interest to them; (*r*) to prevent illuminations and clamor about the prison, especially in connection with festivals.

ART. 70. It is the duty of the director in respect to the administration: (*a*) To verify and control the introduction and removal of all goods and products and impose fines on contracts; (*b*) to supervise the contracts and discipline those who neglect duty or break rules; (*c*) to watch over repairs and inspect materials used; (*d*) to examine the provisions and see that the contracts are kept; (*e*) to see that the sanitary measures are observed and, on advice of the physician, that the medicines are up to standard.

ART. 71. For grave family reasons the director may permit employees a short vacation of five days once or twice a year and report to the prefect.

ART. 72. Without authorization of the prefect of the province or minister the director may not absent himself from residence more than a day or during one night.

ART. 73. The prefect, twice a year, may give a permit of absence to the director, as in article 71. * * *

ART. 74. The director, with consent of the minister, may delegate certain of his duties, but remains responsible.

ART. 75. The director must record: (*a*) The daily and permanent orders issued by him; (*b*) important events and orders issued; (*c*) audiences granted and measures taken for prisoners.

ART. 76. The director must transmit to the minister of the interior the first of every month (or at other specified times): (*a*) The changes in the population of the prison during the previous month, with names; (*b*) prospective and probable changes, each three months; (*c*) sums turned into the treasury; (*d*) report of proceedings in the various sections of the establishment; (*e*) prospective condition of corps of employees; (*f*) changes in list of employees; (*g*) prospective estimate of punishments inflicted on guards; (*h*) changes in the personnel during previous three months in the judicial prisons; (*i*) register of persons on trial; (*j*) list of soldiers as guards; (*k*) list of guards who have finished their terms; (*l*) report of events in judicial prisons; (*m*) to the procurator-general of the king for the district, a list of those sentenced to hard labor, to reclusion, and detention, who have been set free in the month preceding.

ART. 77. The director may not give any information except on request of a competent authority, and the minister is to be informed when information is given without express rule.

ART. 78. The director is to keep a plan of the establishment, but show it to no one without authorization from the minister. * * *

Vice-director.—ART. 79. The vice-director exercises a constant watch care for all branches of the disciplinary and industrial service under the director, whom he represents in case of absence. * * *

Secretary.—ART. 80. The secretary attends to the business of his office, the registration of cards of his office, certifies copies of orders, draws up contracts, executes instructions of the director, cares for records. * * *

ART. 81. The secretary is responsible to the director for these registers: (*a*) Catalogue of the libraries; (*b*) minutes of correspondence; (*c*) list of officers; (*d*) guards;

(*e*) prisoners; (*f*) prisoners sent outside; (*g*) convicts in penal and reformatory sections; (*h*) population of judicial prison; (*i*) number of changes in the population of the judicial prison; (*j*) changes in the government penal and reformatory establishments and sections; (*k*) permits to converse with prisoners; (*l*) correspondence of prisoners; (*m*) minutes of deliberations of the commission and council of local discipline; (*n*) punishments of guards; (*o*) punishments of prisoners; (*p*) expiration of sentences; (*q*) special list of probationer guards where there is a school of instruction.

ART. 82. The secretary compiles prospective needs outside of the accounts.

ART. 83. In December the secretary furnishes a list of prisoners who would be liable for military conscription in the coming year for the syndics of the communes to which they belong.

Assistant of the secretary.—ART. 84. The assistant of the secretary aids the secretary in all his duties and represents him in case of absence.

Accountant.—ART. 85. The accountant, under the orders of the director, keeps the accounts. * * *

ART. 86. The accountant has to help him a steward and necessary clerks.

Steward.—ART. 87. The steward is responsible for the goods and property of the establishment and products of manufacture.

ART. 88. On duty he wears the uniform required by the regulations, executes orders of the director, and fulfills the duties required by law.

ART. 89. The steward may not keep moneys outside of those belonging to the treasury of the administration, with the exception of certain casual sums.

ART. 90. Before making payment the steward is responsible for examining the reckonings and for identifying the person who makes the demand.

ART. 91. The steward keeps account of all receipts and expenditures of money and materials and checks inventories of stocks.

ART. 92. The entries must accurately state the person paying or receiving, quantities, qualities, and prices.

ART. 93. The steward is not discharged from responsibility until his reports are approved according to law.

The clerks and assistants.—ART. 94. Aid the steward in keeping accounts, as instructed by the director, especially in making records, documents of accounts, and correspondence relating to accounts. The clerk of the first rank may act as representative of the steward when necessary.

Copyists.—ART. 95. Are provided for the secretary and steward as required.

Chaplain.—ART. 96. In each prison and reformatory a chaplain is placed for the conduct of religious exercises.

ART. 97. When the number of the prisoners requires more than one chaplain the director arranges the division of labor for them.

ART. 98. On the holy days the chaplain celebrates the mass in chapel, and, before or after the divine service, imparts to prisoners catechetical and moral instruction. With consent of the director the chaplain may celebrate mass on other than holy days. He may not receive alms from prisoners or their families in connection with religious services.

ART. 99. The chaplain according to a plan approved by the director gives special instruction in duties to God, the neighbor, and the fatherland. Prisoners in cells and certain persons on trial excepted.

ART. 100. The chaplain is also to impart personal religious instruction to prisoners, and especially to minors.

ART. 101. The chaplain visits the infirmaries every day to see the convicts recently arrived, those in cells of punishment, those about to be discharged, and especially those who request his assistance. He also visits, at periods established by the director, convicts subjected to isolation, except when expressly forbidden by judicial authority in case of those excluded from conversation. In these visits and in all his relations with prisoners he is forbidden to promise material advantages as rewards of good conduct, or to converse about matters not relating to his office, or about matters relating to their case.

ART. 102. The chaplain communicates to the director all his observations in relation to any branch of the service; he keeps a record of his studies of the moral conduct and disposition of prisoners. * * *

ART. 103. At the end of the financial year, in July, the chaplain is to present to the director, to be transmitted with other reports to the minister, an account of his work, his method, results obtained, and suggestions of improvement of methods in caring for the moral betterment of prisoners.

ART. 104. In case of absence or legitimate hindrance the chaplain may provide a substitute in the person of an ecclesiastic acceptable to the director.

The physician-surgeon.—ART. 105. In each prison and reformatory there is appointed a physician-surgeon, and to whom alone is intrusted the service of hygiene in the establishment and the care of employees, guards, and prisoners. When necessary he may have assistants, but they acquire no claims on the administration.

ART. 106. The physician-surgeon, at regular times each day, visits all the sick in the establishment. He may come at extra times, when he thinks it necessary in the interest of patients, and when he is requested by the director, commandant, head of the guard, or watchmen.

ART. 107. After his visits of inspection to the guards and employees who need medical help, the physician-surgeon visits those sick in the infirmary and cells, orders treatment, and writes in a register his prescriptions for medicine and diet.

ART. 108. The physician-surgeon keeps a register of admissions and discharges from the infirmary, the movements authorized by his signature, and all information in relation to the nature, duration, and care of sickness; and also notes observations bearing upon the merit of the convict (art. 369).

ART. 109. In his visits the physician-surgeon makes note of the execution of his orders, of the quality of medicines and food, and of any fact bearing on the health of the population. * * * The director provides what is necessary and the minister of the interior is given detailed information.

ART. 110. The physician-surgeon decides when prisoners are to be treated in their cells and when they are to be transferred to the infirmary. In the prisons of minor importance he recommends the transfer of patients to the infirmaries of other prisons, or, in very exceptional cases, to civil hospitals; but the director makes arrangements in harmony with the proper administration and judicial authorities.

ART. 111. The physician-surgeon is obliged to treat employees and their families when they reside in the establishment, as well as the sisters and the female guards. He also attends to the vaccination of employees and prisoners.

ART. 112. The physician-surgeon at intervals inspects the medicines furnished by the pharmacy and reports his observations to the director. * * *

ART. 113. It is his duty to inspect conditions of cleanliness, clothing, bedding, especially when there is contagious disease.

ART. 114. In agreement with the director he is to take precautionary measures against the invasion and spread of communicable diseases. * * *

ART. 115. He reports to the director those who simulate illness or refuse to follow his prescriptions for sickness.

ART. 116. He reports to the director and to the chaplain those prisoners who seem to be dying.

ART. 117. When a prisoner gives signs of mental alienation the physician-surgeon places him under observation, prescribes the measures of precaution to be taken, and gives information to the director. * * *

ART. 118. When any violence is committed to the injury of a person the physician-surgeon reports to the director at once or within twenty-four hours, according to the gravity of the case, and to the judge.

ART. 119. Cases of death he reports to the director.

ART. 120. When there is no university, or the rector does not ask for the cadaver, the physician performs the autopsy and reports to the minister through the director. When the university faculty makes the autopsy the physician has the right to be present (see art. 407). * * *

ART. 121. At the end of each fiscal year (in month of July), the physician-surgeon presents to the director, for transmission to the minister, an account of his service, the results obtained, the diseases which have manifested unusual intensity, the causes which seem to have been at work, his visits, the orders made, and on any matters which he thinks will be significant for the sanitary improvement of the establishment.

ART. 122. In case of his absence or legitimate hindrance, he may call in as a substitute, at his own expense, any medical man previously approved by the director.

The master of civil instruction.—ART. 123. In convict prisons or sections and in reformatories or in judicial prisons of some importance a master of civil instruction may be appointed.

ART. 124. The director of each establishment regulates the manner in which the masters perform their duties.

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ART. 126. Each master keeps a register of attendance and conduct of each prisoner admitted to his school. * * *

ART. 127. When requested by the director the master gives moral and educational lectures adapted to the intelligence of the prisoners. * * *

ART. 128. In houses of correction and in reformatories masters may be appointed to impart special instructions in drawing, music and gymnastics, in which case their duties are fixed by contracts or by orders of a director.

ART. 129. In establishments for women the duty of teaching is assigned to competent sisters or to other teachers.

ART. 130. It is the duty of the master to report to the director any offense or injury committed by prisoners in the school.

ART. 131. Annually, in July, the master makes a report to the director, to be transmitted to the minister, on his work, its results, and the recommendations of measures he believes would be useful for the education of the prisoners.

ART. 132. When the chaplain acts as master the rules relating to the master are extended to him.

The farmer.—ART. 133. At the agricultural colonies the minister may appoint a farmer upon special contracts according to conditions.

ART. 134. The farmer directs the agricultural industries, but the minister may assign to him additional tasks in the interest of the colony.

ART. 135. The farmer is subordinate to the local director in respect to matters of discipline of the working convicts, and he must give account to the director. The farmer should regard the director as the head of the establishment and his immediate superior, and the director should regard the farmer as a technical expert who cooperates with him in the same process.

ART. 136. The farmer has his own office and necessary assistants. He has the dignity and rank of a vice-director, and is to be treated accordingly by all employees.

ART. 137. The farmer is required: (*a*) To present daily to the director the number of prisoners of whom he will have need for the next day outside the regular workmen, and specify the labor to which they are to be assigned; (*b*) to visit frequently the various colonial houses, the folds, and other branches of labor, and report all important facts to the director; (*c*) to attend to the duties noted elsewhere in the regulations; * * * (*d*) to give practical lessons in agriculture to the classes of meritorious prisoners, as prescribed by the minister; (*e*) to present a report annually to the director of his task, the results, the expenses, and any recommendations he may have to make.

Technical superintendents.—ART. 138. In penal establishments, where shops are of exceptional importance, technical directors may be appointed on terms decided by contract, according to the case.

ART. 139. His duty is to oversee the shop industries. * * *

ART. 140. He is responsible for the quality of materials purchased, and he arranges rates of payment for work done.

ART. 141. He is responsible for the quality of wares produced, unless defects can be traced to the bad conduct of the workmen; and he proposes to the director the names of prisoners who are adapted to various kinds of labor, and those who should be promoted, or degraded, or excluded. He is responsible for tools and machinery used.

ART. 142. He is under the rule of article 137 *e*. * * *

Technical assistants and foremen.—ART. 143. Assistants to the foreman and technical superintendent may be appointed.

ART. 144. These agents are appointed by the minister of the interior on the nomination of the director. * * *

ART. 145. They are to be present at their post before the prisoners arrive; to supervise their labors all day, and assist the guards in maintaining order and discipline. Although assigned special tasks, they may be called upon by superior officers to perform other duties. * * *

Pharmacists.—ART. 146. Pharmacists may be appointed in prisons and reformatories for the preparation and distribution of medicines. The rules for their conduct and duties are fixed by the minister of the interior, on the proposal of the director, in accordance with the regulations.

Servants.—ART. 147. Servants and subaltern agents may be employed in prisons and reformatories, as required by work or service. * * *

Sisters.—ART. 148. For the surveillance and care of female prisoners and for their moral, civil, and industrial instruction the minister may make use of the services of the societies of sisters on the basis of special contracts, and such contracts include the regulations, agreements, and duties on both sides.

ART. 149. The director or the superior administrative authority has control of the sisters under their contracts.

ART. 150. The communications between the sisters and the director are made through the superior sister, but in cases of emergency that director can give instructions directly and report to the superior sister, and the sisters are personally responsible for obedience, without exception.

ART. 151. The superior sister or her representative is required: (*a*) To assign the duties of sisters, in relation to discipline, care, stores, industry, according to rules made by the director, and see that these rules are exactly followed; (*b*) to report daily to the director all grants which affect the order of the institution and the execution of the sentence; (*c*) to keep records of all services of the sisters.

ART. 152. The sisters are responsible to the superior sister and to the director (art. 150).

ART. 153. In urgent cases the sisters have authority to shut female prisoners in punishment cells for infraction of rules, and they must give prompt notice to the superior sister and await the decision of the director. Assistance may be asked from the director or captain of the guards.

ART. 154. Every sister, before being admitted to the service, must be accepted by the director. Sisters are not permitted to absent themselves without having obtained permission from the director. Absences not exceeding ten days may be granted by the director, ten to fifteen days by the prefect, and above fifteen days by the minister.

ART. 155. The sisters are permitted to live according to the rules of their order, on condition that they must fulfil all the duties of their office and the regulations of discipline.

ART. 156. They are not required to examine the prisoners, but may be called to assist the female guards in this task.

ART. 157. Correspondence of the superior sister with the minister is by the medium of the director, but in special cases the superior sister may communicate directly with the minister of the interior.

ART. 158. In case of offenses committed by sisters, the director informs the superior sister, when she has not already reported them, and in any case provides disciplinary measures. * * * The director may suspend a sister from service for grave cause, and may require her to remain in her room, awaiting further dispositions, and he must at once advise the superior sister and the prefect of the province.

ART. 159. The sisters have lodging in the prison at the expense of the administration, but in respect to salary and other advantages of the administration they have no claims beyond the terms of the contract with the order. * * *

ART. 160. The rules of articles 201, 202, 203, 205, and 557 apply to the sisters as far as possible.

Rules applicable to all members of the corps.—ART. 161. Employees are obliged to act upon the orders of the director, with the right to appeal to the minister if they believe the duties laid on them are illegal. They are to inform the director of anything which comes to their notice which in any way may affect the service of the establishment. Requests or complaints must be forwarded to the prefect or minister in a regular order. It is absolutely forbidden to an employee to ask of his superior what he has reported, but he can always appeal to the minister in the regular way.

ART. 162. The employees can have no other relations with guards and subalterns than those which belong strictly to their duties, and they are held to polite behavior with guards and prisoners.

ART. 163. No officers can enter the departments of female prisoners except in company with a sister, and all outsiders are excluded.

ART. 164. The director and other officers of a prison or reformatory should assist in turn in the religious services of the establishment.

ART. 165. Duties of employees: They may not (*a*) have any business outside the establishment without authority from the ministry; (*b*) they may not have any part, direct or indirect, in any contract relating to the establishment; (*c*) they may not belong to any association whose obligations hinder the complete fulfillment of their duties; (*d*) they may not use any article belonging to the administration for their own advantage; (*e*) they may not enjoy the service of any prisoner with permission of the minister and the payment of a sum fixed by the director; (*f*) they may not receive presents or promises from any person interested in the administration, nor from prisoners; (*g*) they may not trade in any way with guards or prisoners; (*h*) they may not order work done by prisoners for themselves or their families; (*i*) nor carry out articles belonging to prisoners; (*j*) nor introduce articles for prisoners or carry messages without permission of the director; (*k*) nor exercise any influence on examinations on behalf of attorneys; (*l*) nor to make extracts from records and documents relating to prisoners or the administration.

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Corps of guards—Commandant, head guard, head watchman.—ART. 167. In prisons of special importance a commandant may be placed at the head of the guard; in others, a head guard, and in detention houses, houses of correction, and judicial asylums for the insane and in reformatories a head watchman. In houses of less importance there may be a deputy head of guards or deputy head watchman.

ART. 168. The commandant, head guard, or head watchman is subordinate and responsible to the director for the custody of prisoners. He arranges the order of services of guards, maintains order and discipline, watches over the cleanliness of the places occupied by guards, and sees that guards perform their duties when work is carried on outside. Each order must be written and approved by the director.

ART. 169. These officers see that the division of duties is strictly observed and that the arms of guards are examined and kept in proper condition. * * *

ART. 170. When prisoners are working outside, these officers see that each officer has a given number of men under his care, give them instructions, review the heads of squads to see that they are in proper condition and armed, and on return receive reports.

ART. 171. Rules of discipline for guards to be observed by the commandant, head guard, and head watchman: (*a*) To inform the director of the conduct of the foremen and to propose improvements in the service; (*b*) to visit, by surprise, at various hours of day and night the guards, and ascertain if they are attending to their duties; (*c*) to present to the director every day, at a fixed hour, a report on the events of the day and give him a table of the movements of population as compared with the preceding day; (*d*) to collect the guards who are not on duty once a week and give them instructions in their duties; (*e*) to be present at the daily calls of guards and at the reading of orders; (*f*) to watch over the arms and ammunition and see that they are always ready for use.

ART. 172. In relation to the discipline of prisoners the duties of commandant, head guard, and head watchman are: (*a*) To examine prisoners when they enter and leave the establishment and prescribe measures which he judges necessary for discipline and security; (*b*) to keep the keys of the establishment and, during the night, those of the principal entrance, when the director does not keep them himself; (*c*) to watch over the introduction of articles from without and have care of visitors; (*d*) to visit the cells of isolation and punishment as often as possible and hear complaints and requests of prisoners to be communicated to the director; (*e*) to have inspected, at least once in five hours, at irregular intervals, all parts of the establishment and see that all gates and bars are closed and a record made of each visit; (*f*)to follow up personally not less than two out of five visits, one at night, if possible, and be certain that the gates, bars, gratings, and walls are secure; (*g*) to see that all employees follow the regulations exactly and be responsible for violations or delays which he has not promptly reported; (*h*) to be sure that permissions for visits and interviews with prisoners are approved by the director and are under observation of guards; (*i*) to see that visitors do not give forbidden articles to prisoners and bring interviews to an end when desirable; (*j*) to see that no letters are sent or received without permission of the proper officer; (*k*) to verify the list of prisoners at the waking hour and in the evening and see that all are in place, and make a record.

ART. 173. The commandant or head guard in a judicial prison sends a statement of population each morning to the procurator of the King * * *; and sends a messenger to the tribunals daily for instructions, and, upon request, himself appears before the judges.

ART. 174. This officer reports deaths of convicts to the director, or of persons on trial to the judges, and also to the civil officers, as prescribed by law.

ART. 175. When a prisoner can not go to the court the officers must give information to the officer of the public service or the proctor.

ART. 176. These officers must see that no prisoner is transferred in ragged or indecent garments or without medical examination. Except on medical advice, he may not delay a transfer ordered by competent authority.

ART. 177. In establishments where there is no director, the commandant, head guard, or head watchman may call for military aid when needed, and make report to the administration or judicial authority.

ART. 178. When prisoners in judicial prisons wear their own clothing the officer must see that they are kept clean and in good repair.

ART. 179. These officers assign prisoners to housework and see that regulations in respect to cleanliness and hygiene, prescribed by rules or ordered by the medical officer, are carried out.

ART. 180. Duties of these officers in judicial prisons: (*a*) They must keep records of admissions and discharges, and a list prescribed by the Code of Penal Procedure, with chamber or cell assigned to each prisoner; (*b*) record of money held for prisoners; (*c*) record of clothes and valuables to be returned to prisoners on discharge; (*d*) permits for interviews with prisoners; (*e*) articles which belong to the institution used by the prisoners; (*f*) reports on the officers and service of the establishment; (*g*) penalties inflicted on the guards; (*h*) penalties inflicted on the prisoners; (*i*) visits and investigations; (*j*) register of persons held for trial; (*k*) register of terms of punishments of prisoners.

ART. 181. These officers in penal establishments and reformatories keep the same records, with exceptions. * * *

ART. 182. Other services may be be imposed by the director.

Deputy of head guard or of head watchman.—ART. 183. These officers represent their superiors in absence, execute their orders, and assist them in any way required; special duties may be added by the directing authority. When there are several deputies their duties are assigned by the director on the suggestion of the head guard or head watchman.

Foremen.—ART. 184. The foremen assist the deputy head guards or watchmen in case of absence or hindrance. * * *

ART. 185. The foreman of the infirmary is (*a*) to keep prescribed records and assist the medical officer in carrying out his instructions; (*b*) to watch over the prisoner nurses, see that they care for the patients, aid them with kindness, do not divert to their own uses food or drink intended for them, and see that no one trades in these articles or brings any objects in without authority of the physician; (*c*) to see that prisoners isolated in cells do not hold communication with anyone; (*d*) to attend to the cleansing of the rooms, of underclothes, and all articles used by patients; (*e*) to care for clothing of patients left with him for return when they leave the infirmary.

ART. 186. The foreman in charge of the gate is responsible for its custody. He must keep the keys intrusted to him, and not consign them to others, nor be absent from his room without permission of the commandant, head guard, or head watchman, and without having a substitute. It is his duty, further, (*a*) to forbid entrance of persons without proper passes, except employees of the establishment and persons admitted under rules; (*b*) to examine all parcels and articles which are brought into or taken out of the establishment; (*c*) to examine, when instructed by the director, or, in urgent cases, by the commandant, head guard, or head watchman, the employees, servants, foremen, contractors, or their messengers at their entrance and exit; (*d*) to prevent the entrance or exit of any of those persons who have violated a rule, and to inform his superior officer at once; (*e*) to accompany to the office of the superior officer persons who are to confer with him or who have permits to talk with prisoners, or bring letters or parcels; (*f*) to keep a record, day and night, of materials, articles, tools, products, etc., which enter or are taken out, property of private persons or of the Government, and to keep the permits and bring them to the director with his report; (*g*) to keep from his room any stranger or employee, unless he has a pass; (*h*) to see that the guards, except those on regular beats, do not go out from the establishment, unless they are in perfect order and have permits, and to keep a record of the time when the guards report for duty; (*i*) to be polite and careful in meeting the members of families of prisoners and other visitors; (*j*) to conform to directions of the director in respect to keys and duties assigned him.

ART. 187. The foreman assigned to the storehouse reports to the accountant, and follows his directions when approved by the director.

ART. 188. The foreman in charge of the records of requests, distribution, and inventories relating to food supplies must see that the requests are within established limits, that the prisoners have the supplies granted them, and that there is no neglect in the service.

ART. 189. The subordinate in charge watches over the distribution of food to prisoners and gives notice to the superior officers of defects or complaints.

ART. 190. The foremen who act as night patrol inside the establishment assume regularly the functions of head of the post or watch.

ART. 191. The head of the infirmary and the gate keeper are usually exempt from patrol service.

ART. 192. When there are no foremen other employees may be appointed to perform their duties.

Guards and clerks of surveillance.—ART. 193. Such employees are appointed upon competitive examination under ministerial rules in the office of the secretary, accountant, head guard, or head watchman.

ART. 194. They are exempt from night duty only when this is required by the nature of their duties and ordered by the director.

ART. 195. They have the same hours as other guards, and when not on regular tasks perform such service as the director may intrust to them.

ART. 196. They are not permitted to reveal the affairs of the office to other employees, convicts, or outsiders. For violation of this rule the person is discharged and may not be reappointed.

Special employees.—ARTS. 197–199. Provides for the appointment, by the director, of employees for certain special duties.

Duties of watchmen.—ARTS. 200–202. The watchmen report to the director or his deputy; render reports in writing, and have these duties: (*a*) To meet punctually the requirements of regulations and the instructions of the director; (*b*) to watch over contractors and their representatives, the shop foremen and others, and see that the rules are not violated; (*c*) to keep the keys intrusted to them and return them at the close of their duty; (*d*) to watch constantly all prisoners who are in cells, common rooms, work places, school, chapel, conversation room, passages, and elsewhere, and see that those sentenced to isolation do not converse; (*e*) to make the prescribed rounds and report to the superior officers any facts of importance which come to their attention, affecting discipline or security; (*f*) to see that the prisoners observe the regulations about cleanliness, treating them with humanity, but with justice and firmness, and holding no conversation with them beyond what is required by the service; (*g*) to examine the prisoners carefully in all their movements; (*h*) to watch the prisoners at work and see that they do not injure or appropriate tools and materials; (*i*) to verify the list of tools, etc., at end of labor hours, see that nothing is missing, and report anyone who is responsible for a loss; (*j*) to escort prisoners outside and at work and see that they do not converse, injure anyone, or escape; (*k*) to see that the barracks and their furniture are kept in good order, according to regulations.

ART. 203. The guards are not permitted to punish prisoners.

ART. 204. In case of mutiny or assault the guards may use arms, reporting to the superior officer.

ART. 205. Unless prevented by the needs of the service the guards may go out two hours each day, with a half day free once in a fortnight.

ART. 206. The guards are responsible for injuries to furniture, clothing, and other objects, when they have not tried to prevent them and have not reported to the superior officers. * * *

Disciplinary measures (with employees).—ART. 207. Under the regulations, these disciplinary measures may be used with guards: (*a*) Admonition; (*b*) simple arrest, for one to fifteen days; (*c*) detention in a hall of discipline, for five to fifteen days; (*d*) arrest with rigor, ten to thirty days; (*e*) suspension from class or grade, one to three months; (*f*) lowering of class; (*g*) loss of rank; (*h*) discharge from service; (*i*) expulsion from the corps of officers.

ART. 208. Admonition is used in case of slight infractions of the rules of service, and especially for first offenses: Lack of zeal and promptness in executing orders; tardiness at a daily call; lack of neatness; improper conduct in the gate room; incorrect treatment of outsiders who have access to the establishment; unjustifiable delay in making report of infractions of rules; using prisoners to write letters.

ART. 209. Simple arrest: For repetitions of faults mentioned (art. 208); or for violations of rules with aggravating circumstances; or for first offenses like the following—neglecting orders of administrative or judicial authority; introducing prisoners or outsiders to the guard quarters, without permission; inexact reports, unintentional; failing by neglect to prevent prisoners doing injury to materials or goods of the establishment; failure to see that prisoners receive food and do not waste it, give it away, or hoard it; failure to respond at daily call; habitually falling into debt; smoking in places where it is not permitted; gambling or reveling in a public house; frequenting houses of ill fame; introducing or trading in food or wine in the quarters; using partiality or abuse toward inferior officers; changing in any way the division of duties; profanity or obscenity; wearing civil clothing without permission.

ART. 210. Arrest in the hall of discipline is for second repetitions of acts in article 208; for those who repeat acts mentioned in article 209 with aggravating circumstances, and for the following: Writing to outsiders affairs of the service; communicating to prisoners the names of those who have reported against them; mocking at or abusing prisoners; neglecting oversight of clerks and foremen so that gross abuses arise; procuring for prisoners, without permission, food, drinks, books, etc.; communicating to prisoners on trial anything relating to their case; hiding the misdeeds of prisoners; gambling inside the establishment; drunkenness; failing to respond to call twice in a year (not immediate repetition); sleeping on duty or manifestation in other ways of indolence, negligence, or heedlessness; scandalous flirtation; violation of rules of arrest or detention; making unfounded claims; causing discontent in the corps.

ART. 211. The punishment, "arrest with rigor," is inflicted for repetition for the third time of offenses named in article 208; for second repetition of those named in article 209; repetition, with aggravating circumstances, of offenses of article 210, and first offenses of the following kinds: For permitting the introduction into the infirmary of food or drink not ordered by the physician; giving work to prisoners without permission, and not reporting clandestine work; eating or drinking, inside the establishment, with prisoners or visitors; executing commissions of any kind for prisoners without permission of the director; introducing means of gambling or escape; interfering in the trials of prisoners, or giving advice as to choice of advocates; eating or drinking with friends of prisoners outside the establishment, or with persons discharged within three years; maltreating prisoners; criticising the actions of superior officers, in oral or written form; remaining absent without permission more than forty-eight hours; staying away more than forty-eight hours beyond vacation allowed; contracting debts with contractors or prisoners; disobeying orders; selling or lending objects of common use; leaving post of duty when no grave consequences follow; entering rooms of prisoners without order or request; rendering escape possible to prisoners under their care.

Arts. 212–213. (Application of principles to certain subordinate officers.)

Art. 214. Suspension from office or expulsion from service may be the penalty for repetitions and aggravations of certain offenses, and for the following: Refusal to obey orders and disrespectful treatment of superiors; appropriation of food, medicines, etc., designed for prisoners; neglecting to report the taking of articles by prisoners to help them commit offenses or escape; to subject the prisoners to punishments not ordered by the administration; associating themselves with the interests of purveyors; accepting presents from prisoners or from their families; aiding the correspondence of prisoners inside or outside the establishment; permitting the escape of prisoners by negligence; failure to observe regulations intended to prevent escape; instigation to desertion; open insubordination or threats, short of crime; leaving a post, without a substitute, when serious consequences follow; remaining absent without permission beyond forty-eight hours, but not more than five days; violation of rules of arrest in the hall of discipline; vile acts in service; contracting civil or religious marriage without permission; attempts to seduce female prisoners; appropriating articles intrusted to their custody.

Art. 215. (Provision for acts not included in above articles.)

Art. 216. Disciplinary penalties do not relieve a culprit from liability to penal process.

Female guards.—Art. 217. They are under sisters, or, these lacking, under a commandant or head guard.

Art. 218. Their duties are similar to those of male guards (arts. 206–209).

Art. 219. Disciplinary punishments are (*a*) admonition; (*b*) simple arrest from one to fifteen days, and (*c*) discharge. The penalties (*a* and *b*) may be pronounced by the director; (*c*) by the minister, on the proposal of the director, transmitted by the prefect.

ADMINISTRATION OF INDUSTRY AND ACCOUNTS.

GENERAL REGULATIONS.

Art. 566. There are five branches of this administration—administration of the house, of manufactures and industry, of buildings, of the funds and effects of prisoners, of the fund of guards. The minister decides which of these branches are to be established in penal sections of judicial prisons.

Art. 567. Each of these branches has its own accounts—in the first four for both money and materials; in the fifth for money only.

Art. 568. The administrations of the house and of manufactures have a budget of expenses and receipts each year, with balance sheets, vouchers, and inventories for verification of accounts rendered.

Art. 569. The administration of buildings has charge of the new works and repairs and the labor of convicts upon these. Accounts must be kept of implements used on the walls.

Art. 570. All expenses are recorded with the minister of internal affairs, and he provides supplementary funds, if needed. All income is turned into the public treasury. * * *

Art. 571. Within the regulations all payments of expenses are made under the regulations, unless special approval of the minister is required. * * *

Art. 572. The administration of the particular interests of prisoners and guards are checked up and compared in the office of the minister. * * *

Art. 573. Payments ordered by the minister and not under any special branch are made according to the regulations.

Administration of the house.—*Estimates and contracts.*—Art. 574. The supply of food and other articles for the prisoners is made by contracts or on state account, according to the dispositions of law or administrative regulations of the state. The director, under either system, must make an estimate at the beginning of each year. * * * These estimates, with statements of probable income, are sent to the minister in February. * * *

Art. 575. In the making of the estimate the following items must be carefully considered: The population of the establishment; the dietary ordered; the prices of articles customarily paid; the condition of the clothing, utensils, etc., of prisoners and guards, and the amounts required; general and local conditions which may affect the financial administration.

ART. 576. Both income and expenses must be separately stated and in distinct chapters and articles, according to the nature of each class.

ART. 577. Only personal items of expense for guards are placed in the estimates; expenses paid by the minister for arms, transportation, etc., are not included.

ART. 578. Expenses for materials to be used in the institution for its economy are not in the estimates. * * *

ART. 579. Six months before contracts are made the director sends the minister an itemized account of the proposed contracts. * * *

ART. 580. In whatever way the supplies are procured the director is to see that the terms are faithfully carried out. * * *

Materials for consumption and use.—ART. 581. The distribution of food is made under the regulations.

ART. 582. All articles of underwear, bedding, etc., must be so cared for that they will not be injured nor lost. Articles of food and fire which will keep should not be held in stock for more than three months at a time.

ART. 583. Clothing and wash goods for the use of prisoners are to be made of materials prescribed in the rules, and this holds true of materials for guards and officers. * * *

ART. 584. All bedding and wash goods must be stamped. * * * The number of the prisoner is marked on the goods used by him for bedding or clothing.

ART. 585. The director causes careful records to be kept of the time during which furniture and utensils are used and charges the prisoner with any unnecessary waste.

ART. 586. Solid movable articles are distinctly marked with a number and initials of the establishment. * * *

ART. 587. Articles may not be put to use not stated in the rules. When guards are changed, the articles used are inventoried, so that responsibility for waste may be assigned.

Extra diet.—ART. 588. In penal and reformatory establishments extra food is supplied on state account or by private parties.

ART. 589. When the supply is made directly by the administration, the director should not provide larger quantities than are strictly necessary.

ART. 590. The provision is made with funds of prisoners and inmates. * * *

ART. 591. The interests of the prisoners must be respected in making prices of purchase, and the prisoners are charged in the price with expenses of distribution. This extra charge must not exceed 3 per cent. * * *

ART. 592. The administration may use the labor of prisoners in the office, but not in depositing or distributing. The servants are changed frequently.

ART. 593. The right to provide supplies is given gratuitously and not leased. It is conceded to persons who have moral character and who sell at rates under the market price.

ART. 594. The director, under regulations and with reference to market rates, makes terms and rates of sale with vendors from time to time. * * *

ART. 595. This supply is for the benefit of prisoners and can not be extended to others without permission of the minister.

Administration of the manufactures.—*Budgets and direction.*—ART. 596. Each director sends the minister estimates of income and expenses (art. 574), with details relating to the forms of work and his plans for operation.

ART. 597. The controlling aims must be to secure continuous occupation for convicts and inmates and for the latter especially industrial instruction, to secure sale of products, and to obtain a moderate profit. * * *

ART. 598. The manufactures are to be conducted on state account—that is, with funds of the Government, through contractors who furnish materials; by partial employment of persons in each industry, on contract or by the day.

ART. 599. When contractors direct the process, the administration simply maintains discipline, prevents damage, and sees that injuries are made good. * * *

ART. 600. Separate and accurate reports of receipts and expenditures must be made for each branch. Where work is done for several branches the quota of loss and gain must be assigned to each one. * * *

ART. 601. The technical direction of each branch is under a foreman, free or convict.

ART. 602. In addition to usual wages foremen receive a bonus, to be fixed by the minister. * * *

Materials and products.—ART. 603. If a purchase exceeds 4,000 lire it must be made by bids or auction. For smaller sums direct purchases can be made. Purchases are made at first hand, with customary discounts, from reputable dealers, and regard must be had to distance of transportation. * * *

ART. 604. In making small purchases the director must give the preference to dealers who offer the best quality and prices.

ART. 605. Where tools and utensils are made in the establishment, the same accounts of cost must be made as if they were purchased outside. The same rule holds for all kinds of service. * * *

ART. 606. Such articles for interior use are stamped and numbered for record. * * *

ART. 607. The materials for manufactures must be marked and recorded in divisions, with date of purchase. Care must be taken that the material furnished by contractors is not mixed up with that of the prison.

ART. 608. Records of cost of all work must be kept, whether done for contractors or on state account.

ART. 609. In estimating the price of manufactures on state account these items must be considered: The wages of foremen, clerks, and others; a moderate credit for work done by apprentices; a proper credit for use and wear of tools and machines. * * *

ART. 610. In counsel with the technical foremen and accountants the director fixes prices of products. In making prices, 10 per cent on capital employed should be repaid. Five per cent should be the basis for estimates of price for the state administration. Where this gain is impracticable the reason should be stated to the minister. * * *

ART. 611. For work done by contract or employment the same financial results should be secured as for state account. * * *

ART. 612. The rate credited for work done by prisoners should equal that for free labor, proper deductions being made. In estimating the value of hand work done by prisoners, the cost of wear of tools, and various salaries of superintendence must be added.

ART. 613. The hand work is rated by contract for each kind of work. Generally the foremen and clerks among prisoners are paid daily wages.

ART. 614. 'The rates for hand work are fixed for each shop and should be the same under each method of employment, and when market changes occur the approval of the minister must be had for changes in these rates.

ART. 615. In each work place a record is kept, which includes: The work done by each prisoner; to whom the work belongs—Government, employer, or contractor; number of days absent from the place for sickness, etc.

ART. 616. A record of work done by the day is kept.

ART. 617. At the end of each month the facts are compiled for each species of employment.

ART. 618. The director, with the aid of the deputy and accountant, decides what shall be repaid the Government, employer, or contractors by the workmen or foremen for waste or negligence.

ART. 619. Products made for the administration are marked with a stamp kept by the accountant. * * *

ART. 620. The director sees that the products are sold off and not accumulated in the storehouses.

ART. 621. The sale of products is by auction, unless they are used by the administration.

ART. 622. Exceptionally goods may be sold on credit on responsibility of the director.

Articles 623 to 632 give details of keeping accounts between the director and the central administration. The aim of these articles is to see that the director gives account of all transactions and property to the minister, and a system of checks is devised to secure accuracy.

Administration of buildings.—ARTS. 633–647. At the beginning of each fiscal year the central administration provides for an inspection of all buildings, at which time the director shows the changes desirable on account of the industries, or for other causes. A report of the inspection is sent to the minister. No change in the use of buildings can be made without authority from the minister, and the director is responsible. Lands belonging to the establishment must be rented if possible; if cultivated, the product is for the administration and not for any officer. Exception is made of gardens about a house, which may be cultivated at expense of the occupant, but the products may not be sold. When a house leased to an officer changes occupants, an inventory is made, and the last occupant is to make good any injury for which he is responsible. The director must inform himself accurately in regard to all repairs made. No work may be undertaken in an establishment, apart from ordinary repairs, without consent of the minister. As far as possible works of repair are to be done by prisoners and inmates. Forms for providing money and overseeing repairs are provided. Materials for construction, when the work is not done in the shops, and can not be obtained from other prisons on state account, may be obtained from free industry under the direction of the engineer or the administration. The engineer is furnished by the deputies with a list of prisoners suitable for workmen and disposable for the purpose. These regulations are common to all prisons and reformatories.

Administration of funds and property of prisoners and inmates.—Arts. 648–657. Money owned or earned by a convict or inmate or articles of use must be accounted for by the administration. Money brought with the prisoner or procured out of his property may be used for petty expenses, as postage, for making good waste or injury, for aid to the family, or for extra food. Money earned by labor may be used for extra food, aid to family, underclothes, or books. At the first of each month the prisoner is informed of his credit. Funds may not be exchanged except in the first grade. Ordinarily a convict may not procure articles on credit, but exceptions are made by the director in case of postage, passbooks, etc. Surplus funds are placed at interest, and thus money is provided for extra rewards to prisoners for special merit.

Administration of funds of officers of establishments.—Arts. 658–669. The general fund of agents of custody is composed of three elements—the common fund, that of the table, and that of the school. The director is responsible for maintaining this fund unimpaired. A part of the salary is reserved each month for this fund. When the credit exceeds 50 lire it is placed in the postal savings bank, and the director attends to sending and inscribing interest due. This fund can not be touched except for such articles as are needed by the agent of custody. The table fund is reserved for payment of food and treatment in the infirmary. The school fund, kept out of salary, is drawn upon for instruction, paper, or books. Twice a year the director reports the state of funds to the minister for his judgment as to disposition. Interest on surplus funds is a source of payment for extra services.

Rules for accounts.—Arts. 670–696). The fiscal year is from July 1 to June 30 of the succeeding year. Before the end of September all accounts must be settled for the preceding year, debits and credits. Special rules are made for the accounts of rewards paid prisoners for labor. In each establishment, in addition to the fund for current accounts, there is kept a reserve under three keys of different forms, one held by the director, another by the accountant, and the other by the bookkeeper. Forms are provided for receipts and expenditures, reports, credits of various funds and accounts. * * *

Service of accounts.—Arts. 697–793. The director formulates the methods of keeping books to meet the requirements relating to budgets (art. 574 to 596). He is responsible, along with the accountant, for expenses exceeding estimates, except in cases of urgent need. The director administers the making of contracts. He signs receipts and orders for payment; orders for moving materials and goods; for the moving of articles of food and fuel; for materials used in construction and repairs; articles received for prisoners; for labor of prisoners. He prescribes to clerks and sisters the method of checking the use of materials and other property. He may not change the price of articles to be sold from that registered in inventories, save in exceptional circumstances. Not less than once in three months the director must examine accounts and funds on hand and report to the minister. Once a year an inventory of all articles and goods must be made. If the director finds disorder in the accounts he is to suspend the person responsible and report to the minister and await instructions.

Special duties of the vice-director.—He attends directly to provision of materials for the house service, purchasing from contractors or dealers. He watches over the stock of food and other materials, inspecting quality and quantity. He sees that clothing, utensils, and arms are in good condition.

Special duties of the accountant.—His principal function is the control of orders and regulations bearing on the financial department. If an order conflicts with regulations he reports the fact to the director, and he to the minister, for a decision. Orders for moving goods and furniture, etc., are prepared by him for the director's signature. Payments and receipts authorized by the director are by the accountant registered in separate books of the house, manufactures, building funds of prisoners, funds of guards, miscellaneous. It is his duty to see that careful entries are made of all materials and expenses, and at the end of the year he formulates the financial report.

Special duties of the bookkeeper.—This officer has to keep records of money and materials, under orders from the director. He has charge of cash and receipts. Minute rules are given for each form of transaction in his care and models of papers. The chief purpose of these rules is to furnish the supreme administrators of the

Kingdom all the details of the financial transactions of each establishment, so that errors and dishonesty may be checked and corrected.

Special duties of foremen and technical directors.—These officers are responsible to the director for the execution of work ordered by him. They must keep account of materials delivered to them by the bookkeeper. They furnish estimates of factors entering into cost of work done and materials used.

Special directions for accounts of agricultural penal colonies.—ARTS. 794–816. Here the general principles of accounts already cited are followed, with such particular modifications as are required by the nature of the industry.

Special rules for the accounts of judicial prisons.—ARTS. 817–847. The director must see that accounts are kept of money deposited, the treasury, movement of funds, auxiliary funds, sums deposited for work done, payments to prisoners, accounts with prisoners and guards. (There follow technical details for accounts, with reference to model formulas used.)

Accounts of contractors.—ARTS. 848–867. The maintenance of prisons may be subject to contract, a fixed sum per day being paid for each prisoner maintained. Instructions are given for keeping inventories of all furniture and materials, and for the guaranty of proper quality and quantity of goods furnished under the contract, and for vouchers of payments.

Various accounts.—ARTS. 868–875. * * *

RECEPTION OF PRISONERS.

Admission into the establishments of preventive detention, convict prisons, and reformatories.—ART. 220. Interrogation of the person detained. When a person is conducted into the establishment he enters the office of the commandant, head guard, or head watchman, and is requested to respond to questions, to deposit papers and valuables which he has on his person, and to declare if he has brought any articles which he wishes to have deposited for safe-keeping. He is warned of the consequences of lying. Then he is questioned and examined and a record made of distinguishing marks. If he is a convict, he is conducted to the director for further dispositions.

ART. 221. The commandant, head guard, or watchman makes sure of his identity, disposes of the articles received, makes a record in the register, and sends him into the establishment. When there is any doubt about the identity of the individual who surrenders himself or is brought to the prison, information is given to the proper judge, in case it is a person on trial, or to the director if it is a person condemned.

ART. 222. Papers, articles of value, clothing, and other objects deposited by the prisoner or found on his person are recorded, and if it is a person on trial the judicial authority is informed. In case of a convict, the director may send information to the judge if he thinks the articles of interest to the course of justice. The papers and articles of value are consigned to the bookkeeper or other officer, who is responsible for them, and may not be restored without a written order of the director.

ART. 223. Money and valuables found concealed on the prisoner are set apart and sent to the court of trial, to be disposed of according to law. If the prisoner comes from another establishment and serves a sentence, the articles belong to the patronage fund.

ART. 224. When, within fifteen days from the communication named in article 222, there is no order from the court to the contrary, the clothing of the prisoner is washed and placed in the storehouse. The articles stored are placed in one cover and have attached to them a card bearing the name and residence of the prisoner. If the articles are such as can not be preserved, they are disposed of by sale, with the consent of the prisoner and for his benefit, or may be sent to his family when he prefers and can pay for transportation. The sale or sending to the family is obligatory when the prisoner upon entrance has more than five years to serve.

ART. 225. Where there is reason on account of the season or of neatness and cleanliness it is thought advisable to take away clothing when the prisoner is examined, and from lack of others to put on the clothing of the establishment, the competent tribunal should be informed twenty-four hours in advance.

ART. 226. After examination and registration the physician makes a medical inspection the same or the next day in a room set apart for the purpose. If the physician discovers anything of interest to justice, it is communicated to the tribunal. * * *

ART. 227. After the medical visit the commandant or head guard, if the person is on trial, gives information to the tribunal, and if the judge does not within two days make objection the prisoner is washed, his hair is cut, and a cell is assigned him.

ART. 228. If the prisoner is in for a sentence of over three months, after the medical visit the hair is cut, the beard shaved, a bath given, and then, clothed in prison garb, he is conducted to a cell of observation if the prisoner is simply detained, and to an ordinary cell or cubicle if he is sentenced to another penalty. The man under detention remains in his cell of observation five days. The hair of women is not cut unless it is ordered by the physician as necessary.

ART. 229. Rules for inmates * * * (Arts. 223, 224, 228.)

ART. 230. All prisoners are instructed in the rules so that they can not plead ignorance.

Assignment to places of punishment.—ART. 410. The attorneys of the King in the districts of the courts of appeal send recommendations to the minister of internal affairs in respect to prisoners condemned for terms longer than six months. * * *

ART. 411. The minister assigns places in penal establishments without delay and notifies the courts, and the courts cause the transfers to be made at once.

ART. 412. Convicted prisoners: (*a*) For a term not exceeding three months, serve their term in the district prison; (*b*) for a term not exceeding six months, in the central or auxiliary prisons; (*c*) for a term not exceeding three years, in penal establishments or sections of the circle to which they belong; (*d*) for a period over three years, but not exceeding five years, in a prison of their division, but not of their circle; (*e*) for a period over five years, in a penal establishment outside of their division.

ARTS. 413–415. Exceptions made for convenience. * * *

ART. 416. The central administration makes an annual statement on these subjects to council of prisons. * * *

Transfers.—ART. 417. Transfers of prisoners must be made in cellular or covered vehicles. Persons awaiting trial may be transferred in ordinary carriages, at their own expense, care being taken by officers that they do not escape.

ART. 418. Forms observed in transfers; orders from court or directors; use of soldiers as guards, etc. * * *

ART. 419. Every prisoner must be examined by the physician just before the transfer, and he gives a certificate if the prisoner is in condition to be moved. If the physician certifies that the prisoner can not be moved without danger to health, the director suspends the order for transfer until health is sufficiently restored. The proper court and minister are informed of the reason for delay. * * *

ART. 420. Women about to be confined, or having babe at the breast, may not be transferred.

ART. 421. The chief of guards gives certificates and articles of value to the head of the escort who has charge of the prisoner * * * and keeps a receipt. The history of the conduct and class of the prisoner is kept in the documents which go with him.

ART. 422. One lira (20 cents) per day of the expenses for travel is paid the head of the escort from the fund credited to the prisoner, and not more than 4 lire for persons on trial.

ART. 423. The accounts of the prisoner are closed when he leaves, and the sum due him is sent to the prison to which he is transferred.

ART. 424. Persons in any way connected with the army are transferred separately from other prisoners.

ART. 425. Minors are escorted by guard in citizen's dress. * * *

ART. 426. Persons transferred to insane asylums are intrusted to custodial agents, with aid of soldiers if necessary.

ART. 427. Special provisions may be made for the transfer of women and girls.

ART. 428. Funds credited to a prisoner may be retained for a time if the transfer is temporary. * * *

ART. 429. An extra ration of bread is given to a prisoner at his transfer. * * *

Photographs and identification of prisoners.—ART. 448. Photographs are made of persons on trial when this is required by the courts; and also persons accused of counterfeiting public money, plotting crime, theft, robbery, extortion, swindling, improper appropriation, or any crime for which the law makes the penalty reclusion for fifteen years or more, and certain others. * * * The photographs must be kept by the director from inspection.

ART. 449. Three copies of the photograph and anthropometrical description are made and sent to the minister of internal affairs. Negatives are destroyed. * * *

ART. 450. Photographs are made of prisoners liberated on conditional release, and of those serving ten years or more, who are placed under surveillance of police, who are on any ground released.

ART. 451. Special house rules in relation to inmates

RULES OF CONDUCT.

Regulations for the persons detained in judicial prisons.—ART. 231. Persons on trial are kept in cellular isolation under instructions of the tribunal. The accused, with the consent of the competent judge, while isolated at night, may work in shops during the day under the continual vigilance of the guards. The detained prisoners awaiting judgment of a court of appeals or cassation, and persons convicted and sentenced to not more than fifteen years and expecting to be sent to the place of punishment, sleep apart at night and are together in the day.

ART. 232. Distinct sections may be set apart for those condemned to "arrest" for all the time of their sentence, and for those sentenced to detention or reclusion from six months to three years. The first two classes of convicts are under the rule of nocturnal separation and of common life during the day; the last class to continuous cellular isolation during the first period of their term and afterwards to nocturnal isolation, under the provisions of the Penal Code.

ART. 233. Prisoners being transferred and those held by officers of public security are kept in special places, so that they can not have communication with other prisoners. * * *

ART. 234. Separate sections for persons guilty of violating the press laws, * * * with special rules.

ART. 235. Minors under 18 years must be kept in cells and must not communicate with adult prisoners, and also children provisionally held for "paternal correction."

ART. 236. The detained persons under congregate rule during the day should, so far as possible, be kept in a distinct class (according as they are on trial or condemned to a certain kind of penalty), separated in shops and schools, in passageways, and in all other places specially assigned to them. When room is lacking, the hours of movement, should be regulated to accommodate detained persons of the same class together.

ART. 237. The same system should be maintained in prisons or sections devoted to women. Women of vicious life, whatever is the charge against them, should be isolated from others. Women who have infants with them may be permitted by the director to keep them as long as he thinks necessary. Infants over 2 years of age may not be kept in the prison with their mothers. Women with infants and not under the rule of isolation may be held in a common hall. When the infants are 2 years old, and the mothers are to be sent to another prison or to the penal section of the same prison, the director, through the syndic of the commune of legal settlement, arranges that the child shall be intrusted to relatives, or, if there are none, by the aid of a society of patronage they may be placed in an asylum.

Regulations for prisoners in penal establishments.—ART. 238. The sentences to hard labor are served by the rule of articles 12 to 84 of the Penal Code.

[Article 12 of Penal Code: The punishment of hard labor is continual. It is executed in a special establishment, where the convict remains the first seven years in continuous cellular isolation and is required to labor. In the succeeding years he is permitted to work with other convicts and required to be silent. Article 84 of Penal Code: The prisoner condemned to hard labor, who commits another misdemeanor, is subjected to an additional period of cellular isolation for six months to five years, if the misdemeanor carries with it reclusion or detention for more than one year, and to a new period of not less than eight years, which may be extended to life if the offense would be punished with hard labor.]

The penalty of reclusion is served under articles 13, 80, and 81.

[Article 13 of Penal Code: Reclusion may be from three days to twenty-four years; it is served in a special establishment, requires labor, and is under the following rules: If not above six months, it may be served in continuous cellular isolation in a judicial prison. If above six months, it is served with continuous cellular isolation for a first period equal to the sixth of the entire period; can not be less than six months nor more than three years, with separate cell at night and silence during the day, for the succeeding period. Article 80. Provides for additional period for repetition. * * *]

The penalty of detention is served under articles 15, 80, and 81.

[This penalty is for three days to twenty-four years. It is executed in a prison designed for it, implies labor and separate cell at night. The convict may choose the kind of labor, according to his aptitudes.]

The punishment of arrest is under the rules of the Penal Code, articles 21, 80, and 81.

[The term may be one day to two years, in a special prison, with labor. Women and minors, not recidivists, may be permitted by the judge to serve the sentence at home. If the rules are violated, the regular punishment is inflicted.]

ART. 239. Women prisoners serve the sentences of hard labor, reclusion, detention, or arrest in special establishments or sections.

Internal regulations of prisons and reformatories.—ART. 240. The hours of opening and closing are determined by house rules. Immediately after closing the keys of the principal entrance are delivered by the porter to the commandant, head guard, or head watchman, who, at the opening hour of the next day, returns them to him. Outside the director, commandant, head guard, or head watchman, or others who are given this right for grave reasons, no person may enter or depart from the establishment during the night.

ART. 241. Each section of the establishment is to have an alarm tower, from which alarm may be sent to the central office. * * *

ART. 242. At the waking signal the prisoners arise, brush their clothing, wash face and hands, comb the hair, fold the bedclothes, putting all in order, and sweep the cell or chamber. The cleansing of other places is done by prisoners assigned to the duty.

ART. 243. On work days, a half hour after the waking call, at the second sounding of bell or horn, the prisoners in the congregate section file into their shops or other places of work; those who are to remain in their cells are to begin their tasks.

ART. 244. At the hour fixed for retiring the prisoners in the congregate section march to their cells or dormitories, arrange their beds, undress, and lie down.

ART. 245. The director may modify the hours of rising and retiring for prisoners in cellular confinement, having regard for their conduct and social position. The same persons may remain awake until 9 o'clock in winter and until 10 in summer, and in such case must themselves pay for lights.

ART. 246. Prisoners of all classes, unless there is a judicial order to the contrary, are to be taken daily for a walk, in separate courts or together, according to the system to which they are subjected, and under constant guard. The duration of the walk is regulated according to the seasons, but the minimum is one hour. The time may be increased on festival days, or when time and court space permit, especially for persons on trial, minors under 18 years, and prisoners of feeble health.

ART. 247. Prisoners condemned to hard labor and reclusion, after the period of segregation, may take a walk together, observing the rule of silence, and must walk in line at a fixed distance from each other. They may not stop, nor leave ranks, nor sit down without obtaining permission of the guard. Those condemned to detention or arrest must walk in good order, at most two and two, or remain seated, and speak in a low voice. The inmates are under special rules.

Regulations for prisoners and inmates.—ART. 248. Prisoners of these classes entering a prison or reformatory are under the control of the public administration. Nothing should be neglected which will instill into them the conviction that the superior authority and guards have their interest at heart, but at the same time are held strictly to the performance of their own duties, and that the first means of making themselves respected is to be respectful to others, and that, whatever their actions, good or bad, all will be equally punished or rewarded.

ART. 249. Convicts are to be called by their matriculation number. Convicts and inmates are to be addressed with "voi" [direct and less respectful form]; but convicts, inmates, and persons on trial are to address officers and guards with "lei" [indirect, respectful form]. Convicts and inmates address each other with "voi."

ART. 250. Prisoners and inmates are required to render instant obedience, without remarks to employees, officers of the guard, and others in authority.

ART. 251. Prisoners and inmates may not leave a place assigned them without being accompanied by a guard. Prisoners who during the day live in common in workshops and elsewhere may not go to cell or dormitory from the time of exit to the time of return without a special order of the superior officer.

ART. 252. No communication is permitted between prisoners and inmates of different classes and between prisoners subjected to continuous cellular segregation, except by special permission of the director or of the court in case of persons on trial.

ART. 253. With exceptions (noted in articles 457 to 484) silence is obligatory on prisoners and inmates in all their movements, at meals, work, school, worship, and rest. At times, in places and grades of penalty when silence is not required, the prisoners may talk in low tones.

ART. 254. In presence of superior officers and visitors the prisoners and inmates must maintain respectful bearing.

ART. 255. Prisoners answering a question and giving explanations to officers must talk in low tones. They may not directly address a visitor without authority from the director.

ART. 256. Prisoners who work in common in gangs during the day refer matters of tasks to the head of the department or his representative, and not to their comrades.

Art. 257. Prisoners are required to obey the foremen. When they refuse the foreman must report them to the commandant or head of watch or guard, and sometimes to the director.

Art. 258. Convicts acting as foremen must treat the laboring prisoners properly, instruct the apprentices intrusted to them, and see that they work with zeal and assiduity.

Art. 259. Prisoners must behave properly toward their associates, and are forbidden at any time or under any pretext to ask of anyone food, drink, or any other articles whatsoever.

Art. 260. They are absolutely forbidden to sing, shout, to employ unfit language, to make collective demands, or converse in words unintelligible to the guard.

Art. 261. Without permission of the director (in case of persons on trial, of the judge) all trading, buying, selling, and giving of food or other articles are forbidden between prisoners and between these and officers or strangers. In addition to liability to disciplinary punishment such transactions are void. Prisoners may not take articles belonging to the establishment and send them to their families.

Art. 262. Prisoners are forbidden to soil or damage the walls; to make inscriptions or marks upon them; to lie in bed with their clothes on or to be undressed in daytime; to injure clothing, furniture, or articles which belong to the administration, contractors, or agents; to make use of bowls or utensils in a way different from their purpose, and to commit any improper act which may injure the building or furniture of the establishment.

Art. 263. In case of injuries, whether from malice or neglect, in addition to the proper punishment, the prisoner is required to make restitution out of his fund, or, if there is none to his credit, the punishment is aggravated by deductions from food until the damage is made good. Inmates under 14 years are not liable to this reduction of food. When there are several prisoners or inmates, when the author of the damage is not known, all who are present are held responsible for making good the loss.

Art. 264. It is forbidden for prisoners and inmates, with exception in the rules, to receive from without smoking tobacco, food, and other articles, apart from underclothes and shoes, clothing for release, instructive books. * * * If articles not permitted are brought in, the director sends them back and notifies those to whom they are directed.

Art. 265. No prisoner may keep with him a razor, penknife, large knife, scissors, or other instruments capable of injuring others, except in cases of temporary need and by permission of the director. Nor may any prisoner retain money or valuables, furniture or utensils (except the regular furniture of his room) without permission of the director.

Art. 266. Prisoners and inmates may direct requests to the director, minister of the interior and of grace and justice, to under-secretaries of state, to heads of the public ministry, to the director-general, and to the inspectors of prisons, and persons on trial also to the judge who has jurisdiction. For this purpose a locked box is presented every day in each cell and shop, and a similar box in the room devoted to correspondence. The keys are in charge of the director, who daily has the letters sent to their address, with such precautions as are prescribed by the regulations. Prisoners may request a visit by the chaplain, the physician, the commandant, or head guard by addressing the guard on duty. Female prisoners address the sisters or female guards. Prisoners are punished for repeating a request already passed upon, unless they offer new evidence.

Art. 267. Prisoners may appeal to the director, directly or through a messenger, when they have good reason, but they must not expose their requests in presence of fellow-prisoners, and must wait to be called to tell their case.

Art. 268. The use of smoking and chewing tobacco in prisons and reformatories is forbidden (except according to article 264). Adults may have snuff. Persons awaiting trial and prisoners on sentences of less than six months are permitted to smoke under certain restrictions.

Art. 269. Judicial prisoners in separate cells may receive books and political journals if they have been inspected by the court and introduced under the rules. Convicts and inmates are forbidden to hear such reading, but the director may give them other reading matter outside of work hours.

Art. 270. Extracts from the regulations containing the rules of discipline are to be posted in cells, shops, meeting places, and interview rooms, and also the rates for extra food. In sections set apart for persons awaiting trial, a list of lawyers must be posted by the court.

Art. 271. Prayers in chapel are to be made mentally, and pronounced aloud only by the chaplain or by a prisoner nominated by him and approved by the director.

Collective singing is prohibited in religious services, but prisoners selected by the chaplain may form a choir, which must sing in a place apart from the other prisoners.

ART. 272. Games of all kinds are prohibited, and all occupations except those which conform to the regulations.

ART. 273. All utensils and instruments of a dangerous kind which the prisoners may be permitted to have for their use shall be taken away from their cells in the evening and restored in the morning.

ART. 274. In case of misdemeanors the director ascertains the facts, makes a record, and writes down names of witnesses. Copies of this record are sent to the court, the prefect, and to the ministry.

ART. 275. In addition to prescribed punishments, prisoners who are violent may be restrained by strait-jacket in the cell. The officer in charge shall inform the director, and in case of persons awaiting trial the court shall be informed.

Visits and conversations.—ART. 291. Visits to the prisons and reformatories are absolutely prohibited without a special permit from the minister of internal affairs or of the under-secretary of state, who are authorized to grant a permit exclusively for purposes of study.

ART. 292. Exceptional cases, not requiring permits: Members of Parliament, presidents of courts and tribunals, heads of offices of the public ministry, * * * judicial persons in the exercise of their functions, the bishop of the diocese, the director-general of prisons, inspectors and delegates of the minister of internal affairs, prefects and sub-prefects in their jurisdiction, inspectors of prisons, directors of the district on errands of duty, officers of public security on duty, members of the commission of visitors and council of surveillance, members of the society of patronage in the district when recognized by the governor, the local priest and minister of other faiths, and messengers of courts on errands of duty. Lists of persons authorized to visit prisons are posted in the prison.

ART. 293. Minors under 18 years of age may not be permitted to visit prisons.

ART. 294. Visitors are ordinarily accompanied by the director or his representative, judicial officers, inspectors, and some others being excepted.

ART. 295. Not more than two persons may visit a preventive prison at once, nor more than four a penal or reformatory establishment; nor can more than two visits be made in one day, except by judicial officers.

ART. 296. The director or attendant should advise the visitor not to direct remarks to prisoners nor to make observations which they can hear. After the visit explanations may be made apart from prisoners. No particulars about persons awaiting trial can be communicated, and a special permit from the minister is needed in respect to inmates.

ART. 297. When several persons wish to make special studies they must send request for permission to the minister of internal affairs, stating the number of persons, the place to be visited, the scope of the investigation. Such permits are not issued unless the applicants are known from the positions they occupy, or from their published works or other evidences of scientific ability.

ART. 298. Aside from representatives of higher offices no one is permitted to visit prisoners in punishment cells under the rule of silence, or prisoners awaiting trial and subject to the orders of a court. * * *

ART. 299. Two registers of visitors are kept in each prison—one for those who come with special permits, and the other for those who have some duties to fulfill. Observations may be written down, with name, position, etc.

ART. 300. No person outside the administration is admitted to converse with prisoners without written permit from the court, if the prisoners are awaiting trial, or, in other cases, from the director. The director has power to suspend a permit when a prisoner is in punishment or when a visit would injure discipline, and then he gives his reasons to the authority who granted it for suspending the privilege.

ART. 301. Permits are good only for the day named in them, and are taken up when the visit is concluded.

ART. 302. Convicts are permitted to converse only with relatives or those who have a legitimate interest in them. * * * Inmates are under rules of the house.

ART. 303. The persons admitted should be known personally to the director or bring evidence of identity from the syndic of the commune, with statement as to their relations to and interest in the prisoner. For interview with a person on trial only a certificate from the proper court is necessary. The person over the guards should see that the visitor is identified as the one named in the permit. * * *

ART. 304. Persons on trial or condemned for less than three months may have two visits a week; in exceptional circumstances more. * * * Permits must be signed by proper judicial officer, prætor, or director.

ART. 305. Convicts in hard labor in cells during the first period may receive one visit a year, and afterwards one each six months. Those in reclusion, once in six months for the first period, and once in three months afterwards; those in detention, once a month; those in arrest, once in fifteen days. * * * For inmates, house rules regulate conversations.

ART. 306. An interview is not to exceed half an hour.

ART. 307. Conversations of prisoners or inmates with visitors are to be held in a room assigned for the purpose, a guard being present. In judicial prisons persons awaiting trial may have a distinct room. Special conversations are permitted, as a rule, once a month. Persons convicted and soon to be transported are granted interviews with near relatives. Prisoners who are sick may enjoy visits in the infirmary.

ART. 308. Prisoners of different classes and sexes may not have visits at same time and place, nor can more than three persons be admitted at once unless they are parents or children.

ART. 309. Permissions for interviews are not ordinarily given to persons out of prison less than a year, to those who are under police surveillance, to women of ill fame or who keep brothels. Exceptions are made for father, mother, wife, husband, sons, brothers, sisters, or tutors of a prisoner. Drunken persons, even if they have permits, are excluded.

ART. 310. Visitors may not enter an establishment with arms; nor may they bring with them drinks or food, without permission of the director, in case of inmates, and of a court in case of persons awaiting trial.

ART. 311. Visitors may not hold conversation in a low voice, or use a dialect or language unintelligible to the guard, or give information which may tend to disturb order and discipline. If the guard hears doubtful or dangerous communications he suspends the conversation and reports to the head guard. The director is informed and takes further steps, informing the court in case of persons awaiting trial.

ART. 312. A visitor who violates the rules under articles 310 and 311 is sent out of the establishment and may be refused further admission for such time as the authorities think best.

ART. 313. When relatives come from a distance, or when the prisoner is very ill, extra visits may be granted, outside the times assigned for regular visits; but visits may not be made before hour for rising, nor after hour for retiring, nor at hour of worship.

ART. 314. Persons charged with crime may confer with their counsel under the rules. Guards are present but do not hear what is said.

ART. 315. Once a month the director receives from heads of guards the permits for visits and sees that they are regular in form.

Correspondence.—ART. 316.—Letters sent and received by prisoners must be approved by the director; those of prisoners on trial by the court. Information of interest to the police is sent to the judge. * * *

ART. 317. Persons on trial or under sentence not beyond three months may write one letter each week. Prisoners under longer sentence may not write to their families the first month of incarceration. Afterwards those condemned to hard labor may write one letter in four months; those in reclusion, one letter in three months, those in detention, once a month; those in arrest, once a fortnight. * * *

ART. 318. Prisoners may write only to nearest relatives. * * *

ART. 319. Special paper furnished by the establishment must be used, and no more lines can be written than those ruled. * * *

ART. 320. The writers must not use improper or unintelligible language, nor discuss prison affairs, but must confine themselves to personal and family matters.

ART. 321. An exception is made of letters sent by persons on trial to the minister of internal affairs, under-secretary of state, and other high officials, and such letters may be sent sealed.

ART. 322. Prisoners and inmates must leave their letters open when sent to these higher officials. * * *

ART. 323. Prisoners receive answers to the letters sent to these authorities, when the director is authorized by them.

ART. 324. Letters which violate rules are held back and the writers are liable to punishment.

ART. 325. Prisoners are not permitted to keep with them writing materials, except those in cells, who may have paper for writing, the paper being numbered consecutively and not to be used for letters. Convicts secure permission from the director, and persons on trial from the court.

ART. 326. A guard supplies paper and supervises the use of it. Guards write letters for the illiterate. Prisoners not in isolation cells write in the school, separated according to classes.

ART. 327. Letters written by foreigners in a language other than Italian must be translated before being sent, except those under article 321. The expense of translation is borne by the prisoner, or exceptionally, by the administration.

ART. 328. In extraordinary cases the director may permit a prisoner to telegraph to relatives or write before the regular time.

ART. 329. The making of public agreements must be in one of the principal offices or, if the prisoner is sick, in the infirmary; always in presence of one who represents the director.

ART. 330. Printed matter, books, and parcels directed to prisoners must be passed upon by the director before distribution. Letters and parcels registered are opened by the chief guard in presence of the prisoner.

SPECIAL ESTABLISHMENTS OF PUNISHMENT.

Special regulations for intermediate, agricultural, and industrial prisons.— ART. 452. Admission to an intermediate, agricultural, or industrial prison is granted by the minister of internal affairs on the motion of the council of supervision of the establishment in which the person is serving his sentence.

ART. 453. To be granted this privilege the prisoner must be serving not less than three years, have served half his term, in no case less than thirty months, and have attained the class of "merit."

ART. 454. If the prisoner does not continue in good conduct, the permission may be revoked by the minister on the motion of the council of supervision. * * *

ART. 455. If a prisoner is thus remanded to an ordinary prison, the privilege of applying for a place in an intermediate prison is taken away, and he may be denied the opportunity of conditional liberation.

ART. 456. Prisoners in an intermediate prison are divided into two classes—those who have not served two-thirds of their term, and are not eligible for conditional liberation, in the permanent class; and those who are eligible for conditional liberation, and have served three-quarters of their terms, in the preparatory class.

ART. 457. Prisoners in the permanent class have a stripe of green cloth sewed under the number of their matriculation and are authorized: (*a*) To walk out of rank and to converse in time of exercise; (*b*) to spend 0.50 lira per day in extra food, and enjoy other benefits and rewards (art. 382).

ART. 458. Prisoners in the preparatory class wear a stripe of red sewed under the number of matriculation, have extra privileges (art. 382, *d*), are preferred for work outside, and may write each month to their families, and may receive visits from relatives in a separate room.

Special regulations for penal establishment "with rigor."—ART. 459. Prisoners found to be obdurate are transferred by the minister on motion of the council of discipline to a prison of severe type. Prisoners at hard labor may not be thus transferred until they have served the period of cellular confinement, but for severe punishment are under the discipline used in the "houses of rigor."

ART. 460. The "houses of rigor" may include prisoners under diverse penalties, if they are kept apart.

ART. 461. Prisoners transferred to "houses of rigor" are in three classes: (1) Punishment, (2) trial, (3) rehabilitation.

ART. 462. In the first class are placed those who have recently arrived, and who remain there until, during six consecutive months, they obtain at least nine-tenths of the maximum number of good marks. In the second class are those who come from the punishment class, and who remain there until, during eight consecutive months, they obtain not less than eight-tenths of the maximum of good marks. In the third class are placed all who come from the class on trial, and for twelve consecutive months obtain not less than seven-tenths of the maximum of good marks. This period being completed, they are sent back to such ordinary or intermediate prisons as the minister thinks best for them, account being taken of the term of sentence unexpired.

ART. 463. Prisoners placed in the class of rehabilitation who for a month do not obtain seven-tenths of the maximum good marks are degraded to the class on trial, and can not be returned to the class of rehabilitation until for six consecutive months they have earned the maximum of good marks.

ART. 464. The prisoner sent to the class on trial who during one month does not earn eight-tenths of the maximum good marks is degraded to the class of punishment, and can not be reinstated in the class on trial until for six consecutive months he earns nine-tenths of the maximum of good marks.

ART. 465. The director may keep a man who should be degraded for not having his merits in a class another month on probation.

Art. 466. In the punishment class the prisoner is subjected to continuous cellular isolation, required to work at special work without recompense, without visits from outside friends, without correspondence, and without extra food. In the class on trial the prisoner is also subjected to cellular treatment and labor. A prisoner at hard labor may write one letter in six months; have extra food twice a week, not above 0.20 lira each time. Those in seclusion, in respect to letters and extra food, are under the rules applied to those under hard labor during the first period. Those condemned to detention are under the rules applied to those in seclusion during the first period. In the rehabilitation class there is a similar grading of severity. * * *

Art. 467. The recompense given to those in the class on trial is three-tenths, and in the class of rehabilitation five-tenths of the sum indicated in article 287.

Art. 468. Prisoners in houses of rigor retain the distinctions of their penal class, but wear sewed under the number of matriculation a black stripe for punishment, a green for those on trial, and a red for those in the rehabilitation class.

Special rules for judicial asylums for the insane.—Art. 469. Convicts on terms of more than one year afflicted with insanity are sent to special establishments (judicial hospitals for the insane), where they are held for security and care. Transfers are made by the minister on advice of the physician of the prison, and the minister may take advice of one or more alienists.

Art. 470. Convicts on terms under one year, mentally afflicted, but inoffensive, paralytic, or in temporary delirium, may remain in ordinary establishments when the means of medical care are not lacking and no injury to discipline is caused. In other cases the prisoner may be sent to a judicial asylum or to provincial asylums at the expense of the administration.

Art. 471. Persons under accusation or absolved from blame, but supposed to be dangerous (art. 46 of Penal Code), may be transferred to a judicial asylum, in a separate section. * * *

Art. 472. In the same way are treated persons placed under observation for a time. * * *

Art. 473. Persons on trial may be given the same treatment, by order of the minister. * * *

Art. 474. A physician, entitled sanitary director, has charge of patients in judicial asylums, but the general administration is under a regular director, as in ordinary prisons.

Art. 475. The director of a judicial asylum sends to the president of the civil court which gave the order a quarterly report on the health of the inmates mentioned in article 471. Monthly reports are sent to the magistrate. These reports are approved by the sanitary director.

Art. 476. The courts may send other physicians to make examinations. * * *

Art. 477. Liberation of convicts is made under the rule of article 433, with precautions taken for insanity; persons on trial are released by the court which sends them.

Art. 478. The sanitary director makes an autopsy when a patient dies in an asylum, unless the body is given to a university, and a report is sent to the minister. * * *

Art. 479. Matters of food, discipline, and labor are regulated by special rules which fix the duties of the sanitary director and the administrative director.

Art. 480. Once a year, in July, a report is sent by the directors to the minister, with observations and recommendations.

Special rules for houses of custody.—Art. 481. The admission of a convicted person to a house of custody is ordered by the minister of internal affairs, on the decree of a court. * * *

Art. 482. When the council of supervision, on advice of the physician, and information, believes that the reasons for sending the prisoner to a house of custody have ceased to be valid, it may propose, through its president, to the proper court, that he be transferred to an ordinary prison.

Art. 483. The minister, on the decree of the court, designates the ordinary prison to which the prisoner is to be sent, account being taken of the period he has yet to serve. The transferred prisoner is not subjected to cellular segregation; he is placed in the third class if he has served one-sixth of his term, in the second class if he has served one-third, in the first class if he has served one-half. * * *

Art. 484. Disciplinary rules for those in custody: (*a*) They are kept in special sections, according to the form of penalty; (*b*) nocturnal separation; (*c*) are not required to work, but if they do, have four-tenths of product as reward; (*d*) are not held to the rule of silence and to march in file; (*e*) milder cell treatment * * *; (*f*) in other respects are under the rules of detention.

Art. 485. When the consent of the prisoner is required, the director acts for the best interest of the person.

Penal establishments for inebriates.—Art. 486. In ordinary and judicial prisons special sections may be set apart for inebriates, and these are under the rules.

Workhouses.—Art. 487. Admission to a workhouse is ordered by the minister on a decree of the attorney of the King in the circuit of the condemnation.

Art. 488. General and internal rules apply to these workhouses.

Art. 489. A convict who can not be assigned to a workhouse serves his sentence in a judicial prison.

HOUSES OF CORRECTION.

Art. 490. Houses of correction for minors are distinguished into those for seclusion and those for detention and arrest. * * * Each house is divided into two sections, one for minors under 16 years, and one for those over this age.

Art. 491. The ordinary regulations are used except that the hours of labor are reduced to eight; * * * those in the second class may have a visit and write a letter once in two months; those in the third class once a month; to civil and moral instruction is added industrial or agricultural instruction. * * * Those in the second class have one and one-half hours exercise, and those in the third class two hours. Military and gymnastic exercises may be substituted. Savings-bank books may be added to the ordinary rewards. * * * The rewards for labor are reduced. * * * The sums which may be spent for luxuries may not exceed 0.10 lira per day in the first class; 0.20 lira in the second; 0.30 lira in the third * * * with exceptions.

Art. 492. A fourth class for those in seclusion is added; those who are able to pass to an intermediate prison. * * *

Art. 493. At 21 years of age minors may be sent to an ordinary prison, and to a class corresponding to their conduct record.

REFORMATORIES.

Art. 494. The minister of internal affairs may assign a minor to a reformatory, public or private, or to an honest family on decree of a court. * * *

Art. 495. The director, with consent of the council of local discipline and the authority of the minister, may secure the release of minors from institutions of correctional education or families. * * *

Art. 496. Special agreements are made with directors and with families in respect to the regulation of correspondence and treatment of inmates.

Art. 497. Internal regulations of reformatories are sent to the minister for approval. These rules govern such matters as exercise, conversations, writing, food, rewards, etc., with the following principles as a basis: (*a*) To keep the classes of minors separate; (*b*) to inculcate lessons of order, discipline, and respect for superiors; (*c*) to make neatness of person and propriety of language habitual; (*d*) to enforce supervision without making it odious and suspicious; (*e*) to require of inmates suitable to their age, family position, antecedents, future; (*f*) to encourage industrial training, giving rewards for production; (*g*) to impart civil, moral, religious, and industrial instruction so as to prepare them for their proper place in society; (*h*) to punish those who trespass and reward the meritorious, so as to evidence benevolent purpose to raise the moral sentiments and to form character.

Art. 498. The same principles apply to private establishments for correctional education.

Disciplinary Measures.

Punishments.—(See under "Reception of prisoners" and "Rules of conduct" for other particulars.)—Art. 332. Punishments which may be inflicted on prisoners are: (*a*) Admonition, orally made by the director in presence of an officer or of a chief guard; (*b*) ordinary cell, one to twenty days and one point of demerit per day for a convict; (*c*) ordinary cell, bread and water diet five to fifteen days and two points demerit per day for the convict; (*d*) punishment cell, bread and water diet five to fifteen days and three points demerit per day; (*e*) punishment cell, on bread and water fifteen to thirty days with strait-jacket and four demerit points per day; (*f*) dark cell, bread and water diet five to twenty days, strait-jacket and irons, and five demerit points per day; (*g*) solitary cell, two to six months and two points demerit per day.

Art. 333. For minors under 18 years of age the punishments are milder, the time being shortened and the more severe penalties being reduced. * * *

Art. 334. Where a bread and water diet is part of the punishment for over three days the prisoner is given ordinary food on Thursday and Sunday, and on the other days a quarter of the supplementary ration of bread.

ART. 335. Punishments of article 332, letters (*d*), (*e*), (*f*) are accompanied with deprivation of ordinary bed, with a bench and cover as substitute. The surgeon may request additional covers.

ART. 336. The strait-jacket is applied two days out of three, but the prisoner is freed from it at meals and when he satisfies the needs of nature.

ART. 337. Irons are applied to hands or feet, or both, according to the gravity of the offense and the disposition of the prisoner; but in the latter case the punishment shall not exceed ten hours a day, and the prisoner is released as indicated in preceding article.

ART. 338. The isolation-cell punishment is always made severe by bread and water diet one day in three.

ART. 339. Prisoners punished with cellular treatment are forbidden to receive visits, to write, to take walks. Prisoners in isolation may, after the first month, walk an hour a day in the court.

ART. 340. Prisoners punished in a cell may be set to work, but can not have tools which may be made dangerous weapons.

ART. 341. Women and minors under 18 years are punished with the strait-jacket only when they are violent and can not otherwise be controlled.

ART. 342. A prisoner who is ill during a punishment receives treatment by the physician, but as soon as cured must go back to his punishment.

ART. 343. A person on trial who, after having endured a punishment under article 332, letter (*g*), commits another offense within three months, besides the regular penalty is put on bread and water diet.

ART. 344. A convicted person in similar position is subjected to the same aggravation of penalty, and may be transferred to a penal establishment with more rigorous rules (article 459ff).

ART. 345. Penalties of article 332, letters (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), for a period not exceeding ten days, are imposed by the director. The others are imposed by the council of local discipline. Before being punished the prisoner is heard in defense.

ART. 346. The local council of discipline is composed of the director, the official next him in rank, the chaplain, and the physician. * * *

ART. 347. This council must be called within twenty-four hours of the commission of an offense, and the director is president; three make a quorum; a majority vote decides, and the president gives a casting vote when there is a tie. The director appoints a secretary. Conclusions are communicated to the minister of internal affairs once in three months.

ART. 348. A prisoner is counted a recidivist when, having been punished he commits another offense within three months, if it is a lighter offense, or six months if more grave. * * *

ART. 349. In case of second or third repetition of violations indicated in article 360, should not be less than two-thirds for the first case and the maximum for the others.

ART. 350. Convicts declared recidivists under the Penal Code should never be disciplined with the milder disciplinary penalties.

ART. 351. Persons awaiting trial are punished for infractions of rules by order of the court; convicted prisoners by the director or council.

ART. 352. The director or council may suspend sentence to a disciplinary penalty in case of non-recidivists. The punishment may take its course, on order of the director alone, if there is another offense, however slight, within three months. When the punishment is suspended, the demerit points are charged to the convict. When the punishment is diminished in consequence of suspension, the demerit points are canceled in the same ratio.

ART. 353. A milder punishment than the one ordered in the rules may be ordered for first offenders and prisoners who voluntarily confess their offense.

ART. 354. Punishments under article 332, letters (*e*), (*f*), (*g*), are made known to other prisoners. Record is made of all punishments.

ART. 355. Punishments of persons on trial (art. 332, *c*, *d*, *e*, *f*, *g*, and art. 343) are made known to the court.

ART. 356. Declaration of crime to a court does not arrest the disciplinary action of the administration.

ART. 357. In case of invalids and women soon to become mothers, the physician must be consulted before penalty is inflicted. Violations of rules not provided for are punished according to their gravity, according to principles implied in articles 359, 360, 361, 362, and 363.

ART. 358. In urgent cases, the chief guard may restrain a prisoner for grave offense, reporting to the director.

ART. 359. Admonition is a measure used in case of delay to obey an order, neglecting cleanliness of person or place assigned, lack of attention in school, irreverent actions at worship, breaking the rule of silence, leaving a post assigned before the signal, without permission.

Art. 360. The penalty of confinement in ordinary cell, deprivation of extra food, and one demerit is inflicted for repetitions of offenses of preceding article, for violations with aggravating circumstances, and for the following offenses: Injury to property by negligence; habitual negligence of work; doing work not ordered; having in possession paper, food, cigars, or forbidden articles; complaining or making improper remarks; tearing the book for accounts, altering the record of conduct and the copy of regulations in the cell; wasting, trading, or giving articles or food; attempt to do any wrong act in visits or correspondence; obscenity or profanity.

Art. 361. The penalty of ordinary cell, with bread and water diet, is for a second repetition of acts named in article 359; for repetitions of offenses named in article 360, and for trade in food and other articles; noises, cries, and forbidden communications; gambling and drunkenness; leaving the bed or place assigned at night; malicious injury to furniture; refusal to work or attend school; simulation of sickness; mocking at comrades; disrespect for officers; writing lies or using improper language in writing to the director.

Art. 362. Punishment cell, with bread and water diet, is inflicted for repeated violations of rules in articles 359 and 360, for first repetition of article 361, and for offenses of a more serious nature; altering books to gain credits, disobeying officers, possessing prohibited articles, attempting escape without violence, insolence, making unfounded complaints or demands.

Art. 363. The punishment cell, bread and water diet and strait-jacket, for more frequent repetitions of certain offenses and for these acts; attempts at escape with violence; attempts at mutiny and sedition; threats and assaults on officers; striking companions; obscene actions; writing calumnious assertions (see art. 321).

Art. 364. The dark cell is penalty for refusing to submit to a punishment, insult and violence against a guard, grave disorder.

Art. 365. The cell of isolation for grave repetitions of serious offenses and for obstinate refusal to submit to the discipline of the establishment.

Classification of convicted prisoners in ordinary penal establishments.—Art. 366. The convict who enters a penal establishment is subjected to the régime of continuous cellular segregation, if he is condemned to hard labor or seclusion; and to nocturnal cellular segregation if under sentence to detention or arrest. When the period of cellular segregation is ended according to the Penal Code, the prisoner sentenced to hard labor or seclusion passes to the rule of nocturnal cellular segregation.

Art. 367. During the period of nocturnal cellular segregation convicts are divided into three (3) classes; the first, the class on trial; the second, the ordinary; the third, the class of merit; and they may be promoted from one class to another, according to the length of sentence and the points of merit they have attained by labor and conduct. A badge is used to distinguish the classes: Yellow for the first, green for the second, white for the third.

Art. 368. The promotions are made by the council of discipline. * * *

Art. 369. Each convict may gain 60 good points a month for labor and 40 for conduct. A demerit annuls a merit. * * *

Art. 370. The assignment of points of merit is based on an examination of the records of the chief farmer, heads of industries, chaplain, physician, head guards, register of punishments, information expressly requested by the council.

Art. 371. The records of officers simply contain facts which indicate merit.

Art. 372. From these monthly notes the council computes the credits, and the notes are preserved in the office for further examination. * * *

Art. 373. In the absence of praise or blame, a prisoner is usually credited 30 merits for labor and 20 for conduct.

Art. 374. In counting credits for labor, the days of sickness, convalescence, and involuntary idleness are not considered, provided they do not exceed half the month.

Art. 375. The credits are copied upon a card of moral conduct, which the prisoner carries with him.

Art. 376. The prisoner may have a hearing before the council in respect to his credits.

Art. 377. The president of the council carries out its decision and notifies the prisoners of their merits and demerits.

Art. 378. Convicts in the class "on trial" remain there, if the term is limited, for a period equal to one-sixth of its duration, exclusive of the period of continuous cellular isolation, but not less than six months; and for eight years, if the sentence is to hard labor. At the end of this term they are promoted to the "ordinary" class, if they have certain merit points during six months. * * * To the "merit" class are promoted those who, being inscribed in the "ordinary" class, obtain for six months, on an average, seventh-tenths of the maximum of merits.

ART. 379. For recidivists in crimes indicated in articles 364 to 368, 404, 406 to 410 of the Penal Code, and for recidivists taken the second time in any crime, if condemned to a term over five years, the period in the classes "on trial" and "ordinary" is increased one-half.

ART. 380. Convicts inscribed in the "ordinary" class who do not obtain in six consecutive months seven-tenths of the maximum number of merits are reduced to the class "on trial," and may not be promoted if in six consecutive months they fail to reach eight-tenths of the maximum. The same rule applies to promotion from the "ordinary" to the "merit" class and to reduction of rank.

ART. 381. Reduction in class occurs without action of the council of discipline when a convict has lost with punishment merit points necessary to hold his place.

Rewards.—ART. 382. The following rewards may be granted in an ordinary penal establishment: (*a*) Praise by the director in presence of an officer; (*b*) permission to have books; (*c*) permission to send money to his family or to the party wronged, out of any fund he may have (art. 519); (*d*) gift of paper and postage, once in three months, for letters; (*e*) light for longer time in cell or room; (*f*) admission of convict to school of civil or industrial instruction; (*g*) permission to write longer and more frequent letters to the family, not to exceed double that permitted in article 317; (*h*) longer time for walk and rest; (*i*) longer visits from family, in a reserved room; (*j*) increase of tenth in reward; (*k*) special recommendation to society of patronage; (*l*) recommendation to grace of the sovereign.

ART. 383. The concessions of reward (*a*), (*b*), (*c*), and (*d*) are made in the discretion of the director, and may be made during the period of cellular isolation, and to those in the class on trial. Rewards (*e*), (*f*), and (*g*) are given by the director to prisoners in the ordinary class. Rewards (*h*), (*i*), (*j*), (*k*), and (*l*) are given by the council of discipline only to prisoners in the class of merit.

ART. 384. Under the rules there is a publication of the rewards.

ART. 385. Convicts in the merit class may apply for conditional liberation (art. 16 of Penal Code).

ART. 386. Increase of one-tenth of reward (art. 382, *l*) is given to a convict who has obtained a maximum of merits in one year. If for two months he falls below the maximum, he loses the increase, and to attain it again must gain the maximum for six months.

ART. 387. No convict on a limited term can be recommended to sovereign grace until he has served two-thirds of his term and has gained the merit class (Art. 380) or that of preparation (art. 456). Those condemned to hard labor must serve twenty years and attain to the merit class.

ART. 388. Convicts who have shown great courage or rendered special service to the administration may have exceptional grace.

ART. 389. Proposals for action of grace are made by the council of discipline through the director to the minister of internal affairs in May of each year, or, exceptionally, at special times. Announcements of acts of grace are made by the director to prisoners.

ART. 390. Special rules provide for rewards to inmates.

Special arrangement for judicial prisons.—ART. 391. Prisoners on terms shorter than six months are not required to wear prison garb, except for reasons of cleanliness and health. * * * Prisoners under the officers of public security are treated as prisoners on trial. * * * Special arrangements for sailors arrested by order of consuls. * * *

ART. 392. Prisoners in transit are under the rules of the class to which they belong.

INDUSTRY.

[See further particulars above, under "Organization and Administration."]

ART. 276. Persons convicted of crime are required to labor. This requirement may be extended to persons awaiting trial unless they provide for their own expenses of maintenance. In reformatories all must work under rules special to these establishments. Ordinarily labor on holidays is optional.

ART. 277. Persons awaiting trial may, under certain conditions, with the consent of the court, work on their own account, being required to pay part of the product (Art. 285).

ART. 278. Prisoners and inmates are not permitted to receive commissions for work except through the director or other superior officer. * * *

ART. 279. Convicts of exemplary conduct who have served half their sentence may be detailed for domestic service in the establishment. Those condemned to hard labor can not be set to such work unless they have already served twenty years. Ordinarily persons convicted of theft or offenses against morality, or who have violated certain rules (art. 361), may not be assigned to these tasks. If a person thus assigned breaks the rules, he is punished, loses his position, and, in extreme cases, may not be reappointed.

ART. 280. In assigning work, the previous occupations of persons condemned to hard labor and seclusion will be taken into account. Persons condemned to detention or arrest may choose among the industries carried on in the establishment, unless there is some disciplinary objection; but the branch of labor chosen no change can be made without consent of the director and for grave reasons.

ART. 281. A prisoner who followed a trade not used in the prison may be assigned to a similar work, but those who, having served an apprenticeship, show themselves unfit are passed on to other labor by order of the director, in consultation with the former or some superintendent. It is not permitted to a prisoner to work at a trade which he abused by his crime, except when he gains position in the class of merit or is placed in an intermediate prison.

ART. 282. The apprenticeship should not usually be less than one month, and this is exceeded when the convict has not fully learned the process; but in no case should the period be over six months. Prisoners who have elsewhere learned a trade are not to be put in apprenticeship again.

ART. 283. The director may order transfers to labor with recompense, upon recommendation of superintendents.

ART. 284. The rates of payment for hand work of prisoners should be different for each shop, and should be posted in shops, cells, and domitories.

ART. 285. Out of the product of labor of persons awaiting trial, 10 per cent is taken for direction and the rest is divided, one third to the State and two-thirds to the workmen. The one-third which goes to the State is restored to the person if he is acquitted. Persons convicted, who have made appeal to other courts, are subject to article 287, and the part taken by the State is restored to them if they are acquitted.

ART. 286. Prisoners who have learned a trade process are allowed a reward for their labor.

ART. 287. The product is divided into ten parts: (*a*) Three-tenths are paid to one condemned to hard labor; (*b*) four-tenths to one sentenced to seclusion; (*c*) five-tenths to one in detention; (*d*) six-tenths to one under arrest. The other tenths go to the State.

ART. 288. When contractors wish to pay extra rewards for exceptional services, the permission of the minister of internal affairs must be obtained. Credit for these gains and expenditure for extra food or gifts to family are under rules of the establishment.

ART. 289. Prisoners are responsible for injury to tools and waste of materials, whether due to negligence or malice. * * *

ART. 290. In every workshop or cell must be posted a list of articles intrusted to the prisoners, those being indicated which must be taken away in the evening.

CARE OF HEALTH.

General regulations.—ART. 503. Food, furniture, clothing, and whatever is necessary for cleanliness and health of prisoners and inmates of reformatories are provided by the State.

ART. 504. All property is intrusted to the care and responsibility of the director and accountants, whether from contractors or for use of the institution.

ART. 505. When philanthropic associations offer help to prisoners they must act under the regulations.

Food.—ART. 506. Four classes of food are distinguished: Ordinary diet for prisoners, sick diet, extra food, diet for reformatories.

ART. 507. Hours and modes of distribution are fixed by house rules.

ART. 508. The director may not make changes in the diet without consent of the minister.

ART. 509. No food can be given to prisoners by families, charitable persons, contractors, or others, except as provided for in the regulations.

ART. 510. Women with child or giving suck may receive extra diet on order of the physician. Special diet may be given to infants with their mothers, and minors.

ART. 511. Supplementary rations of bread and soup may be given to other prisoners when the physician declares it to be necessary. * * *

ART. 512. Bread, soup, and other eatables left over may be given to prisoners who request it. * * *

ART. 513. Prisoners must eat and drink in places designated for the purpose.

ART. 514. Persons on trial may procure food from outside at their own expense.

ART. 515. Food given daily to persons on trial should be restricted, as a rule, to bread at discretion, soup, two dishes of cooked meat, fish, etc., cheese, fruit, coffee, a liter of wine for an adult, or half a liter for a woman, or a minor under fourteen. * * *

ART. 516. The same diet is given to convicts with sentence not exceeding six months. * * *

ART. 517. Prisoners on trial may receive food from outside, but may not give or sell to other prisoners of their share of the legal diet. * * *

ART. 518. Maximum diet of persons on trial and prisoners regulated by house rules and by article 515. * * *

ART. 519. Before they can spend money, prisoners must have credits: (*a*) Convicts in arrest, at least 10 lire; (*b*) under detention, 20 lire; (*c*) in seclusion, 30 lire; (*d*) in hard labor, 40 lire. Of women, half as much is required.

ART. 520. Convicts are permitted to spend for extra food not more than eight-tenths of the credit of previous months—from 0.20 lira to 0.50 lira in a day. Those whose work is hard may have more. * * *

ART. 521. Prisoners who have no chance to earn a fund, if of good conduct, may have extra food to the value of 0.15 to 0.40 lira.

ART. 522. The use of liquors and spirits is absolutely forbidden.

ART. 523. There should be a store for the distribution under the following rules:

ART. 524. Guards go around each day to receive requests of prisoners. These requests are examined by the chief guard and passed upon by the director after the accounts are compared. * * *

ART. 525. Quality, quantity, and prices are posted in a list. Prices may not exceed those of the market.

ART. 526. The extra food is distributed after inspection by a guard.

ART. 527. Sellers of food are not to have access to prisoners. Distribution is made by guards, who transmit complaints or requests to the chief guard, by whom they go to the director.

Service of the infirmary.—ART. 528. Prisoners in isolation are treated, if possible, in their cells; others in their rooms. Those more seriously ill, or living in community on order of the physician, are treated in the infirmary.

ART. 529. Transfer to the infirmary is authorized by the director; but persons on trial are transferred by the court. The approval of the physician is required. * * *

ART. 530. If a judicial prison has no facilities for treatment a person may be transferred to the infirmary of another prison or to a civil hospital. * * *

ART. 531. Infirmaries are to provide for isolation of contagious diseases and all suitable furniture, bedding, and appliances, with a supply of simple remedies for emergencies.

ART. 532. The list of remedies is ordinarily fixed by regulations.

ART. 533. Articles for the infirmary are marked to distinguish them from those used by the sound prisoners.

ART. 534. Undergarments are provided for the sick.

ART. 535. The bed on which a person dies must be thoroughly cleaned and disinfected. Mattresses and pillows must be thoroughly cleaned at least once a year. Linen used by persons with skin diseases must be kept apart.

ART. 536. On the bed of each patient is a card with a record of his medicines and treatment.

ART. 537. No food or drink beyond the dietary is permitted without instructions of the physician.

ART. 538. Prisoners may be employed to help nurse the sick. * * *

ART. 539. Guards assigned to the infirmary have charge of furniture, bedding, and wash goods, and supervise prisoners who act as nurses.

ART. 540. Convalescent prisoners return to the ordinary work and food.

ART. 541. When a prisoner is dangerously ill the director sends information to the court.

ART. 542. A mortuary room must be provided in each prison, and bodies of the dead kept there for autopsy. The body can not be taken away until the physician certifies decease.

ART. 543. An autopsy is made according to law.

ART. 544. A report of the results of the autopsy, signed by the physician, is kept by the director.

Clothing and furniture.—ART. 545. Clothing and furniture for prisoners are marked and can not exceed those authorized by the rules. * * *

ART. 546. These articles are distributed to prisoners who are not provided with their own, and to inmates of judicial prisons. * * * Prisoners serving terms of more than six months are required to wear the prison uniform.

ART. 547. Prisoners are responsible for the care of all articles used, and must pay for injuries which result from malice or neglect. * * *

ART. 548. Prisoners may buy from their funds or credits necessary plain underclothing. * * *

Payment for cells.—ART. 549. In each judicial prison there are cells, furnished with special care, which persons on trial may occupy for a monthly payment. The occupants must keep them in good order, and are under the rules of discipline.

Lighting.—ART. 550. The director decides what places must be lighted during the night. No place where there is more than one prisoner and no infirmary shall be without light necessary for supervision.

ART. 551. A regular rate is charged prisoners for lighting. * * *

Heating.—ART. 552. The director determines what places are to be heated and provides means.

Cleanliness and health.—ART. 553. The domestic service, aside from that in the rooms of officers, is done by prisoners or inmates, under supervision of guards, and these persons must belong to the class which is living in common during the day. They wear the uniform of the prison.

ART. 554. Walls must be whitewashed, plaster renewed, woodwork varnished or painted as often as required for good keeping. * * *

ART. 555. Corridors, cells, dormitories, etc., are swept daily and pavements scoured frequently.

ART. 556. Doors and windows must be opened while prisoners are out of their rooms for ventilation, unless there are reasons to the contrary. * * *

ART. 557. All these services of health and cleanliness are intrusted to the chief guard or sister, and the director is to be informed when measures are needed to improve the conditions.

ART. 558. The boilers, saucepans, and other vessels of brass should be constantly kept in repair and cleaned, and all vessels for water should be ready for service. The responsibility for this care is with the head guards or sister.

ART. 559. In addition to the ordinary washing prescribed in article 227, prisoners must in the summer take baths in turn and wash the feet at least once in two weeks.

ART. 560. Convicts who have more than three months to serve must shave once a week and cut the hafr once a month. Persons on trial are treated by order of the court, according to circumstances. Prisoners about to be released may let beard and hair grow the last two months of imprisonment.

ART. 561. Sheets must be changed every fortnight in summer and each month in winter. * * * For laundry articles the director makes rules. The straw of mattresses must be changed every three months, or more frequently if necessary. Where vegetable fiber or leaves of corn are used the mattresses must be made over annually and the contents made fresh as required. Where wool is used for cots it must be beaten and picked over once a year and washed when necessary. In all cases the covers must be washed at least once a year and at any time when necessary. * * * Other articles are changed and cleaned at set intervals. * * *

ART. 562. Clothing used by a prisoner must be cleaned before it is given to another.

ART. 563. Bedding must be boiled and exposed frequently to the air, especially at beginning and end of summer.

ART. 564. The director, through the chief guards, is required to make inspections at unexpected times, and see that these regulations are carried out and record is made. * * *

ART. 565. Washing and repairing, unless done by female prisoners, must be done, if possible, by convicts. Other service of cleansing and repairs and whitewashing must be done by convicts.

Births and deaths.—ART. 404. When a woman gives birth to a child in a prison the director transmits, within twenty-four hours, a declaration of the fact to the proper officials, or to the court, if the woman is on trial. Measures are taken to send the infant to the family or a suitable institution, unless it is thought better, especially when the term is short, to leave the infant with the mother.

ART. 405. In case of a death the chief guard gives immediate notice to the civil authorities, and the director sees that a record is made and the court informed. At the same time the property of the deceased is inventoried and his account settled. A copy of the former is sent to the officials of the commune of residence, and the family is notified. In case the deceased is a stranger, the notifications go to the office of the minister of grace and justice.

ART. 406. The residue of the funds of a prisoner, after expenses of burial are paid, go to the treasury of the society of patronage.

ART. 407. The burial of prisoners is always like that of a pauper. The expenses are paid out of his funds, and if he had none, by the commune. The bodies of convicts in penal institutions are given for study to the university of the Kingdom under rules of the ministry.

ART. 408. The chaplain, on the day of the funeral, or at the first assembly thereafter, gives notice to his comrades and urges suitable admonitions.

ART. 409. The property of the deceased prisoner, after expenses of burial are paid, is given to the legal heirs upon presentation of proper documents. If no heirs present themselves within six months the articles are sold and the proceeds paid into the treasury of the administration. * * * If the articles are perishable they may be sold at once.

EDUCATION.

School.—ART. 398. Civil instruction is obligatory in penal establishments for prisoners under 25 years, and in all correctional and reformatory establishments. Convicts of a higher age may be admitted as a reward for good conduct (art. 382, *f*). Persons on trial, under 20 years, may have civil instruction by consent of court. Recidivists and prisoners of vicious conduct are excluded. The director decides when prisoners shall cease to attend school.

ART. 399. The prison and reformatory schools follow the programme of the elementary schools of the Kingdom.

Circulating library.—ART. 400. In every penal and reformatory establishment is placed a library where books, chosen from a list approved by the minister of internal affairs, are at the disposition of prisoners. No other publications can be used by prisoners without permission of the director, or, in case of persons on trial, by the court.

ART. 401. Prisoners may read at the time given for recreation, holidays, and evenings.

ART. 402. The chaplain is responsible for the care of the books and for accounts of their circulation.

ART. 403. Prisoners must repay cost of books damaged by them.

Moral and religious arrangements.—ART. 393. The prisoner who declares on admission that he belongs to the religious confession of the State shall observe the common and collective practices. A prisoner who seeks to bring pressure to bear on the conscience of another prisoner shall be severely punished.

ART. 394. A convict who wishes to change his confession makes application in writing, with reasons, to the director, who sends the statement to the minister for further disposition.

ART. 395. Minors under 20 years must follow the religious confession in which they were born.

ART. 396. Prisoners in chapel are divided in disciplinary classes, and those serving in continuous cellular isolation do not attend chapel.

ART. 397. Prisoners who are non-Catholic remain in their cells and may receive the ministrations of pastors of their faith.

Escapes.—ART. 430. When a prisoner escapes the director takes measures for his apprehension and telegraphs the fact to the bureau of public security, the prefect, the procurator of the King, and to the minister. * * * Further details are reported in writing * * * and the defect in management must be discovered.

ART. 431. Funds audited to the escaping prisoner are forfeited to the society of patronage, unless the prisoner surrenders himself within twenty-four hours.

CARE OF DISCHARGED PRISONERS.

ART. 432. The courts give order for discharge of prisoners not convicted and of those who have served their sentences in judicial prisons.

ART. 433. Prisoners whose terms are under five years are discharged by the director and notice is sent to the minister of internal affairs. Those whose sentences are over five years are reported to the minister one month before the end of the term and certificate is sent for release.

ART. 434. Sentences not less than a month terminate in the forenoon of the last day. For shorter sentences the term expires at the hour of committal.

ART. 435. A sick prisoner is retained unless he refuses to be held. Notice is sent to minister or court.

ART. 436. The expenses of further board of a sick man are borne by the poor relief funds of his place of residence; if he has no funds to his credit or his family does not pay, the rate is 1 lira per day.

ART. 437. If the physician certifies that the prisoner may be removed ne is taken to the nearest hospital, and the expense of his care is a charge on the poor relief fund.

ART. 438. Four months before time of discharge the minister is notified of the place chosen by the prisoner for his residence. * * * The director informs the officers of public safety in this place fifteen days before discharge. * * *

ART. 439. When an order is received for instant discharge, the director executes it, seeing that a telegram is repeated. Notice is sent to the officers of public safety.

ART. 440. If the prisoner belongs to army or marine, notice is sent to his superiors.

ART. 441. In case of minors, previous notice is sent to parents, guardians, or society of patronage.

ART. 442. A prisoner is to be kept isolated for ten days before his discharge. During this period the director, chaplain, or sisters are to visit the prisoner and exhort him to make good use of his liberty.

ART. 443. The prisoner at discharge receives his account of funds and articles of clothing, etc., which belong to him, and signs a receipt, or makes a mark before witnesses. If he refuses to receipt, a statement is recorded. Money is sent to the syndic of his place of domicile, and he is required to make good any damage to furniture lent him in the prison.

ART. 444. If the clothing of the prisoner has been sold, or is insufficient, the administration supplies proper clothing at his expense. He must have 30 lire left, and if there is not enough to his credit, something is taken from funds destined for the society of patronage.

ART. 445. The cost of clothing, when the prisoner pays, shall not exceed 30 lire, or 50 lire if after other expenses the fund remains 200 lire. When the administration pays all or part, the cost must not exceed 20 lire.[a] When the prisoner has only 30 lire he is assisted.

ART. 446. The prisoner may demand a certificate of conduct.

ART. 447. A prisoner conditionally released has the same rights as one who has served full sentence. * * *

SOCIETY FOR AIDING PRISONERS.

ART. 29. In the communes, districts, and provinces of the Kingdom there is intrusted to the initiative of private citizens the maintenance of a society for aiding prisoners, whose mission it is to interest themselves in those who are in the ways of crime, and to aid them by counsel and effort to honesty and industry.

ART. 30. The activity of a society for aiding prisoners is extended to all convicts when, at least six months before their liberation, a request is made to the director of the establishment, and to minors in the house of correction and education, under conditions fixed by the various regulations. The society also should (*a*) become interested in minors who have no family, or whose families are not in a position to care for them, or are the cause of their perversity; (*b*) to put themselves, on occasion, in communication with the authority of public security to obtain for convicts restored to liberty a restriction of surveillance provided in article 119 of the law on public security (June 30, 1889) [for prisoners of good conduct and vouched for by the society for aiding prisoners].

ART. 31. Rules for the action of the society are to be approved by the minister of the interior. * * *

ART. 32. Six months before the day of liberation of a convict, who has made a request to be placed under the care of the society for aiding prisoners, the president designates a member who is to care for him, and from that moment he is permitted to communicate with and visit frequently the person to be liberated, so that he may become acquainted with his condition. Where a reformed person is concerned, the necessary agreement is made between the director of the institution and the president of the society.

ART. 33. In order to intrust to the society a minor, the directing authority must take the necessary steps to obtain the consent of the parents or of their representatives, and in cases of special importance, appeal to the superior authority or even to the minister for the proper instructions.

ART. 34. Protection is taken away from everyone who has proved unworthy of its benefits.

ART. 35. Where a society opens an asylum or offers employment to those under its protection, organizes special agencies to give discharged prisoners information about employment; assists the family of a convict (art. 21 of Penal Code), the central administration, with advice of the council of prisons, may grant a subsidy. * * *

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[a] A lira is about 20 cents.

ART. 36. Minors in an institution of continual education, who are placed in charge of a society, may be granted liberation under conditions required by this regulation. In case of need the president of the society, in concert with the director of the reformatory, requests the president of the civil tribunal to issue the order. This liberation is revoked for bad conduct of the minor on a request made by the president of the society to the judicial authority who had granted it, and he gives order for the return of the minor to the reformatory.

ART. 37. The ordinance by which (article 114, law of public security) a minor was sent to an institution of correctional education, may be suspended in execution by means of an order of the president of the civil tribunal, on the request of a "society of patronage," which takes the minor under its care, gives him employment, and watches over his conduct. This suspension ceases to have effect when a new order is issued by the same president, on the simple request of the authority of public security, in case the minor ward does not give evidence of reformation.

ART. 38. A minor sentenced to an institution of correctional education may be restored to his parents whenever the president of a society of patronage assumes the obligation to place him under care. * * *

ART. 39. Women and girls may be placed under the care of women only.

ART. 40. The fund of convicts, sent for the benefit of the society of patronage, is sent from the director of the penal establishment or reformatory to the president of the society, and he is to supply it entirely for the benefit of the liberated person according to the rules of the society.

ART. 41. At the end of each financial year (in the month of July) every society of patronage shall send to the minister of the interior, by means of the prefect, a statement of the methods of the society, the number of its members, the sums collected, of individuals placed under its care, the rules of guardianship, the results obtained, desirable modifications in the regulations, and anything which it is believed should be brought to the attention of the minister.

ART. 42. This statement (art. 41) is communicated by the central administration to the council of prisons for the extraordinary subsidies (art. 35), and for any observations that the council itself thinks opportune.

ART. 43. The society of patronage is requested to place minors with honest families when the court orders it, and the society accepts responsibility.

ART. 44. In order to assist the society of patronage the minister of the interior makes an additional annual grant: (*a*) The interests of certain funds * * * (*b*) the proceeds of certain pious legacies now administered by the state for prisoners, (*c*) other sums mentioned. (Articles 223, 406, 431.)

ART. 45. The annual report to Parliament gives detailed account of the method of distribution of these funds.

Conditional liberation.—ART. 499. Convicts in seclusion or detention may be granted conditional liberation under certain conditions. * * * (Art. 16 of Penal Code.)

ART. 500. *Principles.*—A convict is granted conditional liberation, with some exceptions made by authority, under the rules established for definite liberation, a previous registration being made with the minister. * * * The director gives the person a small book in which the law is printed, and in which is written the facts relating to the person, the crime for which he was convicted, the sentence served, the day of admission, and of the end of the term, with the obligations of the prisoner, and his photograph. The director explains to the person his duties and the penalties of transgression.

ART. 501. When the term of sentence is over and the person has not been recalled, the penalty no longer is charged to him and he is finally discharged by a record.

ART. 502. If the person violates the rules he is recalled and the minister assigns a place in a prison. He is placed in the "ordinary" class if his recall is due to neglect, and in the class "on trial" if he has committed a crime. * * * The director of the first prison is informed by the minister if the recalled prisoner is sent to some other prison.

BELGIUM.

GENERAL ADMINISTRATION.

[Sources: Actes du Congrès Pénitentiaire International, 1900, p. 333 ff., presented by the general director of Belgian prisons.

The System of Prisc

The law of March 1, 1870, decrees that the convicts sentenced to hard labor, detention, reclusion, and imprisonment shall, so far as the condition of the prisons admit, be subjected to the system of separation. The incarceration in separate cells is, therefore, the legal system in the execution of penalties which involve deprivation of liberty. The only reason that the cellular separation is not uniform is that there are not enough separate cells for the purpose. Gradually the congregate prisons will disappear and separate cells will be provided for all.

Prisoners who are not thought to be proper subjects of separate treatment are confined in the central prison at Ghent, which has a quarter for criminals of serious type and one for reformatory cases.

The law of 1870 provided for prisoners in separate cells and reductions of length of sentence—three-twelfths for the first year (not counting the first month); and by progressive measure up to twenty years, when the reduction may be nine-twelfths.

The normal maximum is twenty years, which may be reduced to nine years nine months and twelve days of cellular confinement. Convicts for life may not be kept in separate cells longer than the first ten years of their imprisonment. After ten years the convict is permitted to make a choice whether he will remain in isolation or be placed in the common life. It is interesting to note the results. From 1870 to 1898, inclusive, 132 prisoners had this option, 95, of whom 3 were women, preferred the cell and 37 the life in common. * * *

Prisons are divided into groups: The central prisons, which receive only persons under sentence; and secondary prisons, which receive, in addition to convicts, certain classes of persons who are held by judicial and adminstrative authorities.

The Penal Code requires that convicts sentenced to hard labor shall serve sentence in houses of hard labor; those condemned to reclusion in houses of reclusion; those condemned to correctional process in houses of correction; and those sentenced for misdemeanors in prisons determined by the government. In fact, since the establishment of the system of separation, which makes each cell a distinct prison, the division provided by the code is not strictly observed, although it is carried out for the most part.

The central prisons (Louvain and Ghent) are set apart for criminals condemned to hard labor and reclusion and to correctionals on long terms. There are no central prisons for women, on account of their small number. They generally serve sentences in the secondary prison near the place of trial. The designation is made as follows: The penalty is served in the place of condemnation. The houses of arrest, situated in the chief town of the arrondissement, receive those with terms up to three years. The houses of security, situated in the chief town of the province, those on terms of five years or less. Most under sentence for more than five years go to a central prison. A special quarter is reserved in the central prison of Ghent for juveniles under 18 years of age.

All Belgian prisons belong to the State. The general administration is a branch of government. It is centralized in the minister of justice. All the services are directed, under the immediate authority of the minister, by a director-general.

Of this administration there are three sections—one for general service, a second for accounts, a third for care of buildings. Each section has its own duties. The inspectors must report on abuses found by them, on improvements which they think desirable, and must furnish information for the central administration. They may not give orders unless the abuses are grave and flagrant, in which case they issue written orders to take effect immediately.

There is in connection with every prison an administrative commission composed of six or nine members, named by the Crown, to which belong, among others, the procurator of the King in the arrondissement, the military auditor at the nearest post, and the mayor of the place. Service is without pay. A secretary is appointed by the King and is paid.

The administrative commissions are charged with the duty of inspection and oversight, which extend to all services of the establishment outside of accounts. They are also intrusted with some administrative powers. They may make decisions under the rules (as admission of visitors, giving out of books not in the library, etc.).

Not included under the foregoing remarks are the lockups and temporary cells for the use of police and courts in dealing with transient persons who must be kept under control or observation pending further legal action. The State does not maintain nor directly administer these places, which are left to local responsibility, but it pays for the maintenance of most of the inmates.

Centralization produces happy results. The uniformity of administration, which is the principal consequence of the system, assures a plan of repression of the same character throughout the Kingdom. It avoids the inequalities and injustice which arise when prisoners of the same class are under different rules. It permits the most speedy discovery of abuses and their correction. Economically it is most advantageous.

RECEPTION OF PRISONERS.

(See under "General administration" for certain facts relating to provisional classification of prisoners.)

RULES OF CONDUCT.

(There are some particulars under the following heads in connection with other topics.)

DISCIPLINARY MEASURES.

Cellular imprisonment carries with it, by its very nature, a certain disciplinary regimen, which is the same for all prisoners subjected to this method of confinement. This system is mitigated wherever it is compatible with order and security in the prisons in the case of persons held for trial, and even among the convicts there are certain differences of regulations in the central and secondary establishments.

The administration seeks to make the penalties of short duration as sharp as possible and to subject recidivists to more severe treatment. With this in view it has suppressed the use of the canteen among those who are serving less than three months, and with prisoners on terms above three months and not over a year, if they have in the year previous served a sentence for serious crime. The deprivation of the canteen implies removal of privilege to buy all comforts, especially food and tobacco, but writing materials, needles and thread, and salt may be purchased. It is further proposed to sharpen the punishment of recidivists by reducing food and the comforts of the bed.

Punishments.—The disciplinary punishments for infractions of rules are pronounced by the director. Aside from admonition for first and slight offenses, these penalties are: (1) Deprivation of work, reading, canteen, visits, correspondence, etc., or deductions from credits. (2) Bread and water diet in ordinary cell. When this is extended beyond three days the ordinary food alternates with low diet. (3) Reclusion in a dungeon or dark cell, with or without bread and water diet. In the central prisons the director may pronounce penalty not exceeding fourteen days, and beyond that he must take the counsel of the administrative commission, which may extend the punishment to one month. In the secondary prisons the bread and water diet and the dark cell may not be used more than nine days. In these establishments all punishments beyond three days are to be submitted to the administrative commission for decision. If the offense falls under the Penal Code, the director reports it to the judicial authorities for prosecution.

Rewards.—For a reward for good conduct, application, zeal, and progress in school or at work, and for meritorious acts of any kind, the directors may temper the severity of the discipline without taking away its essential character. Thus, the director may (1) admit the prisoner to confidential employments, domestic service or certain exceptional work; (2) he may extend privileges of correspondence; (3) he may grant the privilege of using tobacco, snuff or smoking, the latter being confined to times of walking outdoors; (4) the grant of certain recreations and pleasures: gift of books, engravings, tools, useful articles, etc. Good conduct is also taken into account in considering applications for grace and conditional liberation.

ORGANIZATION OF INDUSTRY.

The Penal Code requires work of all convicts sentenced to hard labor, reclusion and correctional imprisonment, but labor is not obligatory with prisoners condemned for minor offenses. To carry out this law the administration has introduced industries into the various establishments. There is no penal labor as distinct from useful occupation.

A royal ordinance of 1887 organized industry in its present form. The new regulation has made an important modification of the earlier rules; it has taken away the privilege of directors of secondary prisons to undertake certain industries on their own account and derive income from such sources. This arrangement has raised the position of the director and raised it above a mercantile character.

The new regulations have adopted the following principles: The prisoners are employed on state account for the most part. Where there is not enough work to occupy all prisoners the directors may hire the labor force to contractors. * * * It is only to contractors and manufacturers that the hand work of prisoners may be hired; it is forbidden to directors to accept orders from individual customers, except in the case of translation, writing, designing, and the like. The conditions of the contracts are under rules of the administration and must be approved by them and the minister. The rates are fixed by the piece or by the day. These prices are calculated by deducting from the average market rates the amount by which the prison work is inferior to that of free labor. This inferiority is due to the want of skill of ordinary prisoners and to the irregularity of their labor. This defect of regularity is due to the movements of prison populations, movements which require a continual renewal of apprentices and make impossible the presence of a certain number of workmen. It should be noticed that when the contractor does not reside near the prison he must pay expenses of transporting raw materials and articles manufactured.

It is important to remark that if the labor of a certain number of prisoners is rented to a contractor for the execution of a specified task, in consideration of a determined payment of wages, the prison labor remains even in this case in operation and organization, subject to the direction of agents of the State. The contractor or his representative may have access to the establishment to verify and control the materials and products, but he is accompanied by an officer of the prison. He has no power of control over the prisoners.

From the amount paid by the contractor the State retains three-tenths, out of which it pays itself for expenses occasioned by administration and the needs of the prisoner. Of the seven-tenths remaining, one part is credited to the prisoners, in ratios fixed by law, five-tenths for correctionals, four-tenths for those in reclusion, three-tenths for those condemned to hard labor; but this income does not meet expenses. (In 1898 income from labor was 340,032.88 francs; expenses, 2,693,000 francs.)

Care of Health.

The buildings of the cellular prisons are generally so constructed that they meet all the requirements of sanitary principles. The cells are usually 30 meters cubic measure (4 meters long, 2.50 meters wide, and 3 meters high). For cells designed for sick prisoners there are at least 40 cubic meters. Temperature of 13° to 14° centigrade is secured by heating appliances, and in the infirmaries the temperature is raised to 15°. The heat is from steam at low pressure. The air is renewed by open windows and by pipes which enter each cell. Every time that a cell is empty a current of air is created by opening the window and the wicket in the door. The wings are ventilated by windows in the ends. Instead of closets the system of movable vessels is used, and these are placed in ventilated niches in the wall. A plentiful supply of water is furnished each prisoner.

The most minute care is taken to secure cleanliness of the prisons and the convicts. The air is constantly renewed in all parts of the establishment. The places occupied are daily swept; weekly the floors are varnished or oiled. The interior is whitewashed annually. During the year whitewashing is repeated where required, and all stains are so removed. Waste water is kept from stagnating, and all animal and vegetable waste is removed promptly. Fumigations are repeated more or less frequently according to the season. The bedding is washed and renewed once a year, and at any time when required by cleanliness. The bed clothes are changed once a month, underclothing once a week. Clothing may not be transferred from one prisoner to another without first being washed.

The most scrupulous care is taken that every prisoner keep his body clean. When registered each one takes a bath. The men are shaved twice a week, the hair is cut as often as necessary. Once in eight days the prisoners wash their feet with the aid of a wet towel. Once a month they go to the bath. All prisoners take exercise in the open air one hour each day. This time may be extended if required by the health of the prisoner.

Food.—The prisoners who are well have the following dietary: (*a*) In the central prisons each prisoner receives each day (in the morning) 600 grams of wheat bread of unbolted flour, and a warm drink (water, chickory, and milk). At noon, Monday, Wednesday, and Saturday, meat soup (200 grams of meat); Thursday, pork soup

(8 grams of lard, 200 grams potatoes, 150 grams of beans); Tuesday and Friday, pea soup (250 grams dry peas, 100 grams vegetables); Sunday, vegetable soup (200 grams potatoes, 100 grams rice, 100 grams vegetables). Evening: A dish of potatoes (750 grams); Monday and Saturday, and Sunday a dish of dry vegetables (250 grams beans). (*b*) In the secondary prisons each prisoner receives daily: Morning, 600 grams of wheat bread of unbolted flour (ration reduced for boys under 14 years to 450 grams, for those over 14 and for women, 500 grams), and a warm drink. At noon on Monday, Wednesday, Friday, and Saturday, a meat soup (100 grams of meat); Tuesday and Thursday, a pea soup (200 grams of peas); Sunday, a vegetable soup (100 grams vegetables, 200 grams potatoes, 7 grams rice). Evening: A dish of potatoes, 750 grams. On the advice of the physician that the diet is insufficient, an additional ration of bread may be given.

As a general rule the sick prisoners receive in the prison all needful care. All prisons are provided for this purpose with suitable cells. The physician decides whether the prisoner should be treated in his cell or in an infirmary. The regulations permit transfer to a hospital in the locality, which is then considered as a substitute for the prison, but the existence of infirmaries in prisons makes this unnecessary except where special surgery is required or in case of women about to be confined.

Medical inspection by specialists in mental disease is provided, since 1891. These specialists may be three in number for the Kingdom, each being charged with the prisons in a group. They examine every prisoner whose actions lead the director or central administration to suspect his sanity. Persons on trial are examined on the order of the magistrate. The alienists report their findings without delay to the central administration. The insane are placed in asylums on the order of the experts in legal form. But the regulations prescribe that men shall not be sent to an asylum unless it is necessary on account of their health or the order of the prisons. The alienist experts also record in a special book their advice and instructions in regard to the treatment of the person examined, supervision, course of life, diet, etc. The insane convicts are sent to special quarters of the state asylum at Tournay, the women are sent to the state asylum at Mons.

EDUCATION.

Moral reform.—There is a regular method of registering, in Belgian prisons, the results of the moral agencies. A "moral account" is opened for each prisoner who is under sentence for more than three months. Therein are recorded at the beginning information about the condition of the prisoner at his entrance, his civil status, profession, means of existence, degree of instruction, religion, and antecedents. There are recorded the facts relating to his conviction and the circumstances which have called for lenity or severity in the decision of the court. All this information is sent by the court to the director of the prison on prescribed forms within eight days after close of trial.

During the course of the term served this moral account receives a record of meritorious acts, rewards obtained, offenses committed, punishments endured, and other facts which determine his moral classification. This classification is considered in a monthly conference of the officers of the establishment. These persons, after visits to cells, record their observations on the conduct, character, and disposition of the prisoner in notebooks which they carry with them for the purpose. At the time of his discharge the moral account receives a record of the information possessed at that time in regard to the prisoner's instruction, health, and amelioration.

An important innovation was introduced by a law of May 31, 1888, which established conditional liberation. Under this law prisoners, when they have served one-third or, if legally recidivists, two-thirds of their terms, provided that the former have seved a minimum of three months and the latter six months, may be conditionally released. Entire release is secured if the person is not recalled during a period equal to double the term of incarceration which had still to be served. By a law of 1899 this period may not in any case be less than two years. It is to be five years at least, if the person liberated had incurred during the five years previous to the date of his last conviction a principal penalty of three months' imprisonment or two sentences of one month at least. Conditional liberation is granted only to those who give evidence of amendment. The administration, in order to judge if the person may be released conditionally, takes account of his antecedents, the cause of his conviction, his moral disposition, and his means of living if discharged. The moral account kept by the officers is the basis for a judgment of his condition and disposition and of the wisdom of granting him clemency in the form of pardon or conditional liberation. In the period between June 30, 1888, when the law went into effect, and

December 31, 1897, the number conditionally released was 1,656, of which 59 were revoked and 1,241 had obtained an absolute discharge. Others were on trial still under the law.

Moral and religious influence.—The system of cellular separation has an influence purely negative, although considerable, in the direction of preventing the mutual corruption of prisoners. The administration strives in general so far as possible with persons who are often completely perverted or lacking moral energy to employ effective agencies of amendment.

The first and most essential of these means is the persevering and continuous action of the officers. The separate cell, by favoring individual study of each convict, gives to this incessant action its maximum efficacy. The prisoners are visited several times a day by guards set to supervise them, to direct their training in industry, and also frequently by the director, minister, physician, teacher, and members of the administrative commission. These visits are obligatory and fixed in regulations.

The administration also permits the members of the society of patronage, already approved, to make visits to the cells. These members, on presentation of their certificate visit cells of persons of their own sex and without witnesses. The visits are made at times agreed upon by the president of the administrative commission and the president of the committee of patronage, the director of the prison giving his advice.

Convicts may receive visits from members of their families and correspond with them; the correctionals once a week or fortnight, according as they serve in a secondary or central prison; those in reclusion once a month, those at hard labor once in two months. It is thought that these relations with persons outside may be a means of reducing the depressing effects of imprisonment; and that it is useful, from the point of view of amendment and restoration to society, to avoid weakening the family bonds.

Work, while it is a factor in the penalty, is also an indispensible condition of the moral elevation of the convict. Without express exception made by the superior administration labor is required of all convicts. This work is rewarded, and one part of the pay belongs to the convict. Of the credit given him, one part is paid him when he is discharged, while the other part may be used by him for the benefit of his family or for his own gratification.

Catholic worship is conducted by priests appointed for the purpose. The priest celebrates mass every Sunday and holiday, in the chapel. A funeral service is held at the death of a prisoner. The sacrament is administered to those who request it if the priest himself approves, on the ground of their moral disposition. He gives instruction to those who are ignorant of the essential truths of religion. Daily he visits the sick and those under punishment. He visits the prisoners in their cells both for moral and religious ends.

Once a year there is a spiritual retreat whose exercises are agreed upon between the director and priest. Missioners from outside may assist in these services, but may not visit cells without special permission.

Dissenting prisoners—that is to say, those who profess a worship recognized by the state other than the Catholic faith, receive the help of ministers of their own confessions. A certain number of Protestant pastors and Israelitish rabbis are accepted for this purpose. Prisoners may be excused from receiving such visits. Their participation in worship is voluntary.

The school-teacher not only gives instruction but also seeks to use his position to improve the moral condition of the men. He visits prisoners in their cells for this purpose. At the beginning of each class he reads some passage and makes comments appropriate to the needs of the prisoners. In all ways he seeks to guide their reading and thoughts so that they will be morally improved.

Instruction.—The five most important prisons are provided with a teacher. There are laymen exclusively devoted to the service of the establishment. All convicts on terms over six months, and who are under 40 years of age, must attend school. All young offenders must attend. For others attendance is voluntary. Instruction is given in chapel or in a special room. Prisoners are separated. Instruction is not given by question and answer, but by lecturing. But between the lessons the teachers visit the cells and examine the notebooks.

Instruction includes reading, writing, arithmetic, the legal system of weights and measures, elements of grammar, and the history and geography of Belgium. There is a library in each prison for the use of inmates. The care and management is intrusted to the teacher who is to distribute books each week and direct the choice of reading. In prisons where there is no teacher this duty belongs to a clerk appointed for the purpose.

CARE OF DISCHARGED PRISONERS.

The societies of patronage have grown very much during recent years. The number is 29, and one is found in each chief town of the arrondissement, that is, near each prison. They owe their existence to private initiative. Public authorities facilitate their task and grant them subsidies, but do not interfere with their organization or activities. In reference to adults, the societies of patronage attempt to aid their moral amendment by visiting cells, maintaining or restoring relations with families, procuring assistance that may be needed, and standing by them when they come out of prison in order to enable them to enter into free life and secure employment, or, if this is impossible, to assist them to emigrate. The authorities permit certain of their members, upon approval, to visit the prisoners.

These societies assist, in a measure, in the administration of the law of conditional release. When a member has visited a prisoner under consideration for conditional discharge, the advice of the society is taken as to the course which should be followed. The directors of prisons may, at request of a society, give them the funds due the prisoner at his liberation; and the society in this case decides as to time and manner of paying him the sum which is in their hands for his benefit. Women prisoners are visited by ladies who either constitute a separate society or a section of the general society.

The principal work of the societies of patronage is on behalf of children who are culpable or unfortunate. The government may send the child to its parents conditionally, or place it as apprentice with a cultivator of the soil; and these societies select the proper families and supervise them. They make annual reports to the minister on the condition of the child, and may request change of school or of guardians. They also watch over morally abandoned children, placing them out or seeking the control of government over them. In some large cities special societies are formed for this purpose. At Brussels there is a society for aiding vagabonds. It has a section of visitors, committees of employment, and local correspondents. In 1894 a royal commission of patronage was established for the purpose of discussing questions of interest to such societies. This body offers its counsels on questions submitted to it by the minister of justice, by a member, or by a society of patronage. The 29 members who compose it are named by the Crown. It elects persons to fill vacancies.

SUPPLEMENTARY NOTES.

Mendicants and vagabonds.—In accordance with a law of November 27, 1891, the government organized for the repression of vagabondage, and mendicancy shelters, and houses of refuge. The shelters (dépôts de mendicité) have a repressive character. They are set apart to receive persons who are able-bodied, and who, in the language of the law, instead of seeking to live by work, exploit charity as professional mendicants—persons who by indolence, drunkenness, or immorality live in vagabondage and vice. The term of imprisonment, which is fixed by the justice of the peace, is from two years up to seven years.

The houses of refuge have a rather more hospitable character. In them are placed (1) those who, though mendicants, have not the marks mentioned above; (2) those who present themselves voluntarily with certificates from the communal administration. The duration of imprisonment is not determined by the justice, but it may not be over one year, without consent of the prisoner.

Youthful offenders.—The recent laws on this subject are inspired by the idea that in dealing repressively with youthful offenders there must be an effort to protect and improve them. It is thought best to make the imprisonment of children exceptional. Unless it is justified by rare precocity, imprisonment is a severe degradation, and should be avoided as far as possible. Preventive incarceration is an extreme measure to which the courts are asked to resort only when this action is demanded by necessity. Their condemnation to imprisonment ought not to be pronounced by the judge without caution, and that for crimes which require a term sufficiently long to secure amendment. Magistrates are requested to suspend sentence and place the children at the disposition of the government. In every case where imprisonment is ordered for a minor under 16 years of age, the sentence is not executed until the court has informed the minister of justice, and reported all the circumstances, and received decision from him. If sentence is passed, the term is served in a special section of the central prison of Ghent. With a view to restricting as much as possible the sojourn of children in prisons, the administration gives instructions that when a child must be brought before a court it shall not first be confined in prison, but brought from the benevolent school and taken back by an officer the same day. Holding in incarceration a second day is an exceptional measure employed only when it is impossible to return the child to the school the same day he is taken out.

The most effective measure for substituting moral aid for rigorous penalties is that of placing the child under government control. The Penal Code had already provided that this measure might be used with minors over 16 and under 21 who had acted without discernment. The laws of 1891 and 1897 have prescribed the rule for the following cases: (1) Individuals under 18 who have been convicted of being habitual mendicants or vagabonds are placed under government control by a justice until majority. (2) When a person under 18 years is convicted, the court may order that he be placed under such control from the expiration of his penalty until his majority. (3) A person under 16 years who is convicted of an offense with discernment and subject to a fine (25 francs) and seven days imprisonment at most, may not be fined nor imprisoned, even if he is a recidivist; the court may reprimand the youth, or, if the case is grave, may order him under government control until his majority. This measure is not punitive but educational. The educational process is carried on in special institutions called benevolent schools. Children of 13 years may be received on request of mayors and sheriffs of communes.

Children are not transferred from place to place in the cellular carriages used for adult criminals. Officers in civil dress accompany a child.

Children under government control may be placed out as apprentices or to learn agriculture. The parents may be appointed to act for the government if they are worthy of confidence. Societies of patronage assist the government in watching over the moral education of such children. Committees of lawyers connected with courts also take part in this method of protection. A special lawyer is appointed for each child and on his report of investigation the court acts.

Each child or youth is protected from having a criminal record in the courts, for no mention of them is made in connection with the reports of criminal trials.

Short sentences and suspension of sentence, with probation.—The evil of imposing short sentences is recognized by high authorities in Belgium, but the number of such is very great, in spite of the testimony of the minister of justice in 1897: "The short sentence has very little deterrent effect, does not amend, often degrades, discourages, and plunges into minery." Persons who have not been tried during six months previous to arrest may have sentence suspended, and if they remain without offense for a certain time, up to five years, they are free. If they relapse they must serve the former sentence.

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